

**A REVIEW OF SERVICES FOR CHILDREN IN CARE IN THE UK SINCE  
1945 AND A COMPARISON WITH THE SITUATION IN JERSEY**

**A paper prepared for the Jersey Independent Care Inquiry**

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# **A REVIEW OF SERVICES FOR CHILDREN IN CARE IN THE UK SINCE 1945 AND A COMPARISON WITH THE SITUATION IN JERSEY**

## **AIMS AND STRUCTURE OF THE PAPER**

The purpose of this paper is to chart historical developments in children's services in the UK since the end of World War II and to compare what has happened in Jersey with the situation elsewhere, especially England.

It is a maxim of historians that we can only understand the present state of affairs by analysing our history. But there are several ways of doing this: one is to discuss changes using a time-line composed of important milestones and a second is to draw out general trends, in this case with regard to social work policy and practice with children in need. Both methods will be used in this paper.

Once the history (Part 1) has been charted, the policy/practice trends (Part 2) will be identified. For each historical period, a comparison will be drawn between legislation and guidance in the UK and in Jersey.

## **PART 1**

### **Milestones in the Development of Children's Services in the UK since 1945**

#### *Introduction*

1. The interaction between the factors influencing childcare policy and practice, such as conviction, war, the media, research, legislation and professional development, is complex<sup>1</sup>. A force for change in one situation, such as radical legislation that imposes a new activity on professionals, can hold things back in other circumstances, such as when legislation lags behind public opinion. Thus, the factors affecting change are radical and reactionary at different times, a situation that has to be borne in mind in any history of social policy.
2. Two other notes of caution have to be sounded before commencing. The United Kingdom comprises four countries and there are differences in legislation, administrative arrangements and professional structures. Obviously a four-fold review of every point would be cumbersome and unnecessary as the general aims of services are similar. Nevertheless, there are some important differences in the history of services. Scotland, for instance, operated a poor law system that was different from that elsewhere, had a different education system and a high rate of fostering (around 75% in 1948) for children in care. Also, the Scottish Office as a single government department was able to introduce change more easily than was possible in England, so setting a continuing tradition of reforms coming from central government rather than from practitioners or researchers. Differences in the administration and details of services continue, the most significant of which is the use of child hearings rather than courts to make decisions and the ability of the local panel, whose members comprise a mixture of lay and professional

people, to specify where a child should live, irrespective of the recommendations of professionals. There is rarely disagreement but this did create a problem in Fife in the 1990s when the director of children's services refused to implement the panel's decision to send a boy to a boarding school that he thought was abusive. This led to a judicial inquiry that upheld the panel's legal right. In addition to this difference, the age of criminal responsibility is set at eight rather than 10 as in England and Wales, gay and lesbian couples were barred from fostering until 2009 and there is a sympathetic view of residential care whose work is supported by a government-funded research institute<sup>ii</sup>.

3. In Northern Ireland the implementation of the *Children's Order* of 1995 made the child care system very similar to that of post-1989 *Children Act* England and Wales. However, the administration has long been marked by a much closer relationship between children's services and the local Health Board(s) – there is currently a single Health Board making the whole country like one large UK local authority.
4. Secondly, few statistics seem to be available on children receiving services in Jersey and there are no authorities in the UK that offer a comparison in terms of size and socioeconomic characteristics. The nearest equivalent would be a district council but information is not published at this level. There are some small authorities in Wales and Scotland but none appear to have social and economic contexts similar to Jersey. All of this makes interpretation and comparison difficult but some forecast can be made.
5. With regard to children in need, the annual government survey shows that in England on March 31<sup>st</sup> 2013 378,000 children were receiving a service and 52,000 were subject to a care plan. Rates varied from 785 per 10,000 children in poor areas to 154 in the more prosperous ones. Just over a quarter (26%) of the children were aged under five and 30% were aged 10-15. During the financial year 2012-13, there were 593,000 referrals, 441,500 of whom received an initial assessment and 232,700 of whom were the subject of a child protection investigation (Section 47).
6. With regard to looked-after children, in England, there were 68,000 children in care on March 31<sup>st</sup> 2013, a rate of 6.0 per 1,000 under 18s living in the area (this rate tends to be higher in deprived areas, although the association between these rates and measured need is not particularly strong). Of these, 55% were male, 78% were white British, 6% were aged under 1, 19% 1-4, 19% 5-9, 36% 10-15 and 20% sixteen or over. The reasons for care were: abuse and/or neglect 62%, child's disability 3%, parental illness 4%, family under acute stress 9%, family dysfunctional 14%, unacceptable behaviour 2% and absent parent 5%. Legally, 59% were on care orders (42% full, 17% interim) and 29% were in care under voluntary arrangements. The rest were freed for adoption or subject to a placement order.
7. Each year in England, around 28,000 children enter and leave care. Of those coming into care in 2012/3, just over half (53%) were male and 73% white British. Their ages were: 21% under one, 20% 1-4, 17% 5-9, 30% 10-15, and

12% sixteen or over. Reasons for admission were abuse and/or neglect 56%, child's disability 3%, parental illness 4%, family under acute stress 10%, family dysfunction 18%, unacceptable behaviour 3% and absent parent 7%.

8. These surveys suggest that the number of children receiving a service at any one time is about five or six times the number of those in care. So, applying these rates to Jersey, it would be expected that about 600 children in need would be receiving a service at any one time and that about 90 of them would be looked after. In the course of a year, the figures would be about 950 for children in need with about 40 coming into and leaving care.
9. Having identified the difficulties of the exercise and set the context for the discussion, the time-line of legislation will be charted.

### **The situation prior to 1948**

10. Until 1919 the poor law responsibilities for children were vested in the Local Government Board centrally and the numerous poor law guardians locally. With the creation of the Ministry of Health that year, responsibilities were passed to the new department and the LGB disappeared.
11. Throughout the latter part of the 19<sup>th</sup> century the Home Office was responsible for the registration and inspection of the industrial schools and reformatories most of which had been set up after the 1850s by philanthropic bodies, almost all religious. After 1889 (*Prevention of Cruelty to Children Act*), it was responsible for the Fit Person Order system. As the term implies, a fit person was anyone considered suitable by the court to assume responsibility for a child judged to be in need of care and protection. However, from the start few private individuals were nominated and children were mostly committed to the care of corporate bodies, initially mostly the voluntary children's societies, such as Barnardo's, but increasingly the Poor Law authorities. However, the 1889 Act specified that the fit person had to be a named individual and this requirement sat uncomfortably with commitment to an organisation. Dr. Barnardo himself especially disliked the idea of being held individually responsible rather than the organisation. Hence, five years later the legislation was amended such that a corporate body could be regarded as a 'fit person'. Later, there was a Home Office Children's Branch that appointed inspectors and kept the statistics.
12. The Children Act 1908 was another important milestone but is only relevant to this history in that it widened the disposals available to magistrates to deal with young offenders. It provided alternatives to placement in industrial schools or prison custody, options that were further extended by the *Probation of Offenders Act* that soon followed and instigated community supervision. It is important to note, however, that these changes were not all progressive - another possibility was whipping.
13. The next important change came in 1930 (*The Local Government Act 1929*) with the replacement of the hundreds of local boards of poor law guardians by local authority public assistance committees. These administered the poor law

that included provision for the care of separated children. This change involved a major administrative reorganisation, for example the London County Council took over responsibilities from 25 groups of Poor Law guardians. Centrally, the Ministry of Health remained responsible for this as well as for the oversight of private fostering and private nurseries under the child life protection legislation, functions that fell to the medical officers of health and their staff locally.

14. Thereafter came the 1933 *Children and Young Persons Act*. It specified (Section 96(1)) that when children were committed to the care of the local authority on a fit person order, the county councils and county boroughs had to discharge their responsibilities through their Education Committees and not their Public Assistance Committees that administered the Poor Law. This reflected certain long-standing tensions between the Home Office (with overall responsibility for committed children) and the Ministry of health that oversaw the administration of the Poor Law. Furthermore, the Home Office had responsibility for the juvenile courts. One of the points of tension between the two central government departments was the respective roles of institutional and foster care. The Ministry of Health was markedly uneasy about the encouragement of foster care, believing that it provided insufficient protection for children against exploitation and misuse. The Home Office on the other hand, was much more enthusiastic about foster care and saw to it that the regulations associated with the 1933 Act required children subject to fit person orders to be boarded-out unless there were good reasons why that should not happen.
15. Other changes concerned the constitution and powers of the juvenile courts. The industrial schools were renamed approved schools (approved by the Home Office) and certain changes were introduced concerning the ages and duration of committals to these institutions, such as imposing a three-year maximum on how long children could be kept in an approved school.
16. So, by 1939 the government departments responsible for ‘child care’ were the Home Office and the Ministry of Health – but not Education. Locally, however, there were the public health committees, the public assistance committees and the education committees – all responsible to the parent local authority and its elected members.
17. In the context of the post-war enthusiasm for social reform, and especially the dismantling of the poor law, this untidy legal and administrative arrangement soon became the subject of outside scrutiny and the services that we see for children in care, or looked-after children as they are now called, today reflect the far reaching legislation of 1948.

## **1948-63**

### *The Children Act 1948*

18. A major review of services for children was underway in the last years of the Second World War and the outcomes of this, the 1946 Curtis Report in England and the Clyde report in Scotland<sup>iii</sup>, provided the framework for the

new legislation. The need for reform was also highlighted by the death of a foster child (Dennis O'Neill) from physical abuse and malnutrition in January 1945. The Monkton Inquiry<sup>iv</sup> into the circumstances surrounding Dennis's death revealed poor placement selection and supervision and raised general questions about the wisdom of placing children a long way from home (90 miles in Dennis's case), the lack of expert staff (the home area education department had few people knowledgeable about foster care) and the selection of foster parents (Dennis was on a fit person order, placed on a small farm and was expected to muck out).

19. The 1948 Act brought together three strands of provision for children who could not live with their families because their close relatives were unable or unwilling to look after them. This provision was being administered locally by public assistance committees (poor law), education and health. The Act ordered the setting up of a Children's Committee and the appointment of a Children's Officer in every local authority. In most cases, a separate Children's Department was created, but this was not a legal requirement and in some authorities the service remained in the clerks' department while in some smaller ones facilities were shared, as between Cornwall and the Isles of Scilly.
20. An especially important aspect of this change was that it moved responsibilities for child care out of the other local departments into a separate specialist one. With the abolition of the poor law, child care was no longer associated with stigma and issues associated with cash benefits and matters to do with care became separated. It did not, however, repeal the 1933 Act which continued to operate in parallel until 1969 with children committed by a fit person order under the 1933 Act placed in Children's Departments.
21. The 1948 Act maintained the distinction first introduced in 1889 by the *Poor Law Amendment Act* that allowed the local poor law authorities to pass a resolution to assume parental rights over children already in care. There had to be a good reason – usually that the child would be endangered if returned home – but the guardians did not have to seek the court's permission. It was an administrative procedure. Parents could seek to have the resolution withdrawn, but they had to bring their case to court and then the court decided whether or not the order should stand.
22. This provision meant that the guardians, later the public assistance committees, then the children's departments and finally the social services departments could keep a child in care against the wishes of the parent(s). This procedure was not abolished until the 1989 *Children Act*.
23. This parental rights resolution could only be applied to children who were in care on a 'voluntary' basis. Those on fit person orders could be kept in care against parental wishes in any case, although there were provisions for applications for the discharge of the orders.
24. Interestingly, despite bids from the Ministries of Health and Education, the Home Office was nominated as the government department responsible for the

management and oversight of the newly established children's departments in England and Wales. However, it was the Treasury that held the purse strings; it settled the rate support grants to local authorities and the children's committee had then to battle for its share of the pot. There was no money ringed fenced for children's services coming into local authorities. The Home Office soon produced guidance (although not a huge amount by today's standards) and extended the size and role of the inspectorate. Requirements were imposed on professionals by means of statutory orders, rules and regulations which carried the same legal authority as the Act. These covered areas such as court procedures and the conduct of residential and foster homes. They not only specified correct behaviour but also reflected a diminution in the absolute power of parents to decide what was best for their child. Guidance, memoranda and circulars that did not have statutory power were also issued, although there was no equivalent of what is termed 'statutory guidance' that has recently appeared alongside new legislation.

25. Within these limits, officials and carers were fairly free to act as they thought best for children. Caseloads were large in the 1940s and 50s, usually around 50 but sometimes as high as 70, and there was only moderate supervision of staff by today's standards. In rural areas many of the boarding-out officers worked alone. They took children to their own homes, accommodated them in emergencies, transported them in their cars, gave them money from their own pocket and got them up for school. There had been numerous scandals of staff abusing children in the nineteenth century and in the 1940s and 50s there were incidents related to the harsh regimes (but not abuse) in approved schools, such as the Standon Farm murder in 1947 and the Carlton House riot in 1959. But, those working as child care officers in the 1950s and 60s who have published memoirs or spoken about the 'old days' at seminars and conferences recall that the possibility of physical or sexual abuse by them or colleagues never crossed their minds and none of them could recall a single incident let alone an inquiry. One reason for this was that the overriding concern was the neglect rather than the abuse of children.
26. Staff in residential homes and schools also had considerable freedom and although most behaved responsibly, a few abused their authority by imposing made-up treatments (as happened later in the 1980s with Pindown<sup>v</sup>) or taking opportunities to physically and sexually assault the children (as in the 1990s at Kincora and Bryn Estyn<sup>vi</sup>), many of these situations only coming to light many years after the events. The Home Office greatly valued its work with deprived children as it softened its public image of having responsibilities for apparently harsher issues like law and order, prisons and immigration. When the move of children's services to another government department was first aired in the 1960s, the then Home Secretary, James Callaghan, was reported as saying, "We lose children's services over my dead body". The child care service also benefited at this time from a cross-party agreement that children's services should not be the subject of party political dispute, an arrangement that prevailed until the 1970s.
27. Although after 1948 these new departments quickly consolidated separate strands of work, they had to start from scratch. The new children's officers

came from a variety of backgrounds. In the county boroughs, the appointments were mostly men who had previously worked as senior managers in Education Departments and so were familiar with the workings of local government and committee procedures. In the shire counties, many more women were appointed and they came from a wider variety of backgrounds; for example Frances Drake (Northamptonshire) had been a factory inspector in the Second World War<sup>vii</sup>. The smaller authorities tended to have fewer resources. In the county borough of Dudley (then a county borough in Worcestershire), the first office accommodation was a caravan, travel around the borough was by bus and the children's officer's status within the organisational hierarchy was the same as the official responsible for weights and measures. But this contrasted with places like Birmingham and Manchester where large and well-endowed departments were soon operating.

### *Training*

28. The Curtis Report had recommended a national programme of training for child care work in its Interim Report of March 1946 and opportunities began to be created in anticipation of the new Children Act<sup>viii</sup>. Hence the Home Office provided full-time courses for graduates at prestigious universities and trained them to become what were still termed boarding-out officers, awarding them a basic qualification, the Home Office Letter of Recognition. A Central Training Council was formed to coordinate all of this in 1947. This professionalisation led to a change in name in the 1950s from boarding-out officer to child care officer. However, the proportion of staff who were qualified remained relatively low (in 1960 28% of child care officers were trained) and was lower still for residential staff as at first their training was usually the responsibility of the local authority.

### *The nature of services*

29. The nature of the services varied enormously across local authorities. In some areas, such as throughout Scotland, there had been a long tradition of foster care but as many of the placements were in the Highlands and Islands, a long way from most children's home area, this must not be assumed to have been a good thing. Elsewhere the new departments inherited run down former orphanages and workhouse buildings. The Second World War meant that maintenance had been neglected and building materials for renovation were scarce. Residential care, therefore, comprised a mixture of establishments from small family group homes run by a married couple who, with domestic help, looked after half a dozen children in a quasi-family setting, often in two council houses knocked into one, to institutions with as many as 50 residents. In 1964, the proportion of children in residential care living in children's homes in England and Wales that were registered for more than 12 residents was 66% but this had fallen to 47% by 1969. The rate remained stable in the 1970s because of the incorporation of larger establishments, such as former approved schools, and was 52% for England in 1988. However, there was then a dramatic fall to 13% in 1995 and 9% in 2000 confirming the general demise of the large institution. In 2013, out of the 1,718 registered homes for children in England, only four are licensed to accommodate more than 20 children.

30. The numbers in care at any one time settled in the 1950s and 60s to about 70,000 in the UK with around 30,000 annual admissions and departures. But there were marked differences in the proportion of all local children who were in care and in how they were dealt with. In England, rates in care ranged from around three per 1,000 children in prosperous areas to 27 in poor ones. Similarly, in 1964, the overall fostering rate in England was 48% but this varied from 78% in East Suffolk to 30% in Worcester. A study seeking to explain this difference found that in each local authority the child care officers accepted without criticism the policy prevailing in their authority, that is high use of foster care in one and high use of residential care in the other, indicating a lack of informed consensus or a wider vision about what was best for separated children<sup>ix</sup>. When Oxfordshire applied for central funds to open a residential reception centre for eight children in 1952, the Home Office replied that the number was far too small and, in any case, was not enough for a football team.
31. How does the situation described for the UK compare with that in Jersey? The following table compares legislation and major publications in each place<sup>x</sup> and some observations are added (in italics) by the authors, although it must be emphasised that they are not trained lawyers.
32. The full texts of the key legislation and supporting documents, such as rules, regulations and guidance, are provided in Appendix Three.

Year	UK	Jersey
1948	<p><b>Children and Young Persons Act 1933</b> in force and continues</p> <p>Provision for young offenders Registration and inspection of voluntary homes</p> <p><b>Children Act 1948</b></p> <p>Amalgamated three strands of provision Children's officers and committees appointed Central Training Council established Duty of local authorities specified Standards of treatment of children in care Rules re contributions to maintenance Operation of voluntary homes and organisations Child life protection Administrative and financial</p>	<p><b>Children and Young Persons Act 1933</b> in force from 1935 by Order in Council</p> <p>Deals with: Offending Placement in a residential establishment Employment Court proceedings Provision of remand homes and approved schools</p> <p><i>(No apparent requirement to board out or use fit person orders No mention of Borstals)</i></p> <p><b>Loi (1940) sur la Protection de l'enfance</b></p> <p>Regulation of foster carers' duties and powers</p> <p><i>(Provides monitoring of children under</i></p>



	<p>provision</p> <p>Children Act 1948: Memorandum by the Home Office on the main provisions of the Act affecting voluntary homes and voluntary organisations in England and Wales: the Act designed to ensure that ‘all deprived children shall have an upbringing likely to make them sound and happy citizens and shall have all the chances, educational and vocational, of making a good start in life which are open to children in normal homes’</p>	<p><i>14 in foster care; age is 18 in England and Wales Child Life Protection legislation</i></p> <p><i>Nothing on the regulation of private nurseries</i></p> <p><i>Process of assuming parental rights same as 1948 Section 2 in England and Wales, i.e. by administrative fiat)</i></p> <p><b>Adoption of Children Law 1947</b></p> <p>Defines infant as under aged 20</p> <p>Approval of adopters</p> <p>Birth family’s consent</p> <p>Wishes of child</p> <p>Financial liability</p> <p><i>(Were there any war orphans in Jersey; they were an important group in the UK?</i></p> <p><i>Article 5 on maintenance: this was abandoned in England and Wales with end of poor law but continued in Scotland until 1970s. In Catholic European countries, it extends to relatives, especially grand parents)</i></p>
1949		
1950		
1951	<p><b>The Administration of Children’s Homes Regulations</b></p> <p><b>Memorandum on the Conduct of Children’s Homes (Home Office)</b></p>	
1952	<b>Children and Young Persons (Amendment) Act</b>	
1953		
1954		
1955	<b>Boarding out of Children Regulations</b> revised and extended accompanied by the Memorandum on the Boarding out of Children regulations (Home Office)	
1956		
1957		<b>Jersey Law: Modification of the</b>

		<b>1933 Act</b>  Adopters receive benefit of any insurance policies on the child  <i>(This was a major issue in the UK with respect to private fostering as it was thought to encourage baby farming and deaths. The 1908 Children Act banned foster parents from insuring the life of their foster child)</i>  <b>Adoption of Children Amendment (Jersey) Law</b>
1958	<b>Adoption Act 1958</b>  Tightened regulations on third party adoptions Registered agencies More formal process	
1959		<b>Adoption of Children (Amendment No. 2) (Jersey) Law 1959</b>
1960		
1961		<b>Adoption (Jersey) Law</b>  Concept of protected child Duty on Education Committee to promote the well-being of protected children Inspection of premises Power to remove child in emergency Restriction on removal of infants for adoption outside the British Islands
1962		<b>Adoption rules</b>

### **1963-69**

#### *The 1963 Children Act*

33. One major weakness of the 1948 legislation was that the children's department could only spend money on children once they were in care. The children's officers (now formed into an Association) and the growing profession of child care officers came to realise that this was a serious limitation and that more could be done to prevent admissions or to avoid bringing children to court. But the situation was that an expenditure on prevention was vulnerable to surcharge by the district auditor.

34. A change came in the 1963 *Children Act* which allowed local authorities to devote resources to prevent children from coming into care, thus broadening the remit of children's officers and laying the foundations for community care and family support that are characteristic of current practice.
35. This was an enormously important turning point that enlarged the tasks of children's departments. Of course, things did not just develop out of nothing and there were antecedents for this type of activity in the voluntary sector; the Family Service Units for example, a Quaker charity, employed staff to work in the homes of families under stress and join in the washing up and nappy changing.
36. The enthusiasm with which the new opportunities were taken up varied across local authorities. Some expanded but as extra money was not automatically made available to employ new staff, it depended on the local allocations within the overall financial budget, so the new work sometimes had to be shared among existing child care officers, causing some to complain that it diluted the resources that could be given to the children in care. There was also no special training offered. Nevertheless, the 1963 Act produced a major shift in priorities as well as administrative reorganisation and expansion.
37. Despite the consolidation of services for children in care, provision for the physically disabled and those with learning and behavioural difficulties were still largely separate, although such children did come in to care if families broke down. Education departments ran a range of special schools and local authority public health departments provided for the mentally handicapped, alongside a tranche of specialist provision for children with special needs run by voluntary agencies, although this declined rapidly post-1948. There were, however, some significant changes, such as a big fall and eventual disappearance in the use of residential nurseries reflecting the attention paid to the work of Bowlby, Tizard<sup>xi</sup> and others on the detrimental effects of institutional care for the very young. Also, the placement of disabled children in what were called sub-normality hospitals was coming under scrutiny following the publication of influential books like Erving Goffman's *Asylums* and Maureen Oswin's *The Lonely Hours*<sup>xii</sup>. These establishments were often huge, almost self-contained mini-towns with their own farms and gardens, and provided life-long care for children with what would now be termed learning difficulties or severe physical disabilities, as well for teenage girls defined as 'morally defective' in view of their becoming pregnant.
38. It was young offenders who gave the Labour Party in the 1960s a focus for setting the trend to incorporate different groups of children in need into a single legal and administrative system. Before 1969, young offenders had been dealt with by a process of supervision in the community (provided by both children's and probation departments, depending on local policies) leading for the recalcitrant (and for a few other groups such as persistent truants) to an order issued by magistrates for placement in an approved school, followed if this failed by a Borstal sentence for older teenagers.

39. Approved schools were mixed in terms of management: most were voluntary establishments run by the large charities, such as Barnardo's, the Salvation Army or the Rainer Foundation, or were run by a plethora of religious groups, such as orders of nuns and brothers and although largely funded by the Home Office (who carried out inspectorate responsibilities), they had their own managers. The Home office provided a *Handbook for Managers of Approved Schools* (1951) which dealt with a wide range of topics including punishment and appointment of staff.
40. By 1970, some were or had become the responsibility of local authorities. Around 10,000 children, 90% of whom were persistent male property (i.e. theft and burglary as opposed to violent crimes) offenders and 10% girls classed as in 'moral danger' because of their 'sexual promiscuity', were placed there at any one time. Most of the boys' schools had about 60 residents, those for girls were smaller, and stays often lasted for about two years<sup>xiii</sup>.
41. The 1964 Labour government argued that these young people were, to use the language of the time, 'deprived' as well as possibly 'depraved' and needed more caring approaches. An opportunity to seek reform was seized in 1968 by the Home Secretary (Roy Jenkins) following revelations of excessive caning that broke Home Office regulations at Court Lees School in Surrey. The subsequent inquiry and dismissal of the headmaster greatly reduced the use of corporal punishment in approved schools but did not ban it because it was still legal in ordinary schools (see: *Administration of Punishment at Court Lees Approved School*, Report of Inquiry by Mr. Edward Brian Gibbons QC, 1967, Cmnd. 3367). This proved to be something of a challenge to those heads and religious orders, such as the De La Salle Brothers, who valued physical chastisement as an integral part of their educational philosophy. Having won this battle (there was a similar row when he overturned a magistrate's sentence for an inmate in Rochester Borstal to be birched), Jenkins laid plans to integrate the schools into the wider local authority residential provision available for children, a policy continued by his Conservative successor Sir Keith Joseph.
42. By the mid-1970s, all residential homes for children were called community homes and the former approved schools and some others which had facilities for education became known as community homes with education on the premises (CHEs and CHEPs in Wales). Most subsequently closed as services were reorganised and their provision came to be seen as isolated from wider social work, ineffective in providing what was needed and expensive to run. In Scotland they became List D schools. They remained unaltered for some time in Northern Ireland. In England and Wales, the need for a special residential order issued by magistrates was abolished and placement choice became a professional decision.
43. What is also important is that some politicians and magistrates saw this change as 'going soft on delinquency', thus threatening the consensus to keep child care out of party politics and the policy of separating juvenile delinquents from care cases. A change in the central administration of services was also questioned. In 1971, responsibilities for all children in care, including

young offenders in care, passed from the Home Office to the newly established Department of Health and Social Security, itself an amalgamation of two departments. Some critics expressed concern that the DHSS seemed to have a much weaker 'law and order' agenda than the Home Office. Similarly, in local authorities, child care became the responsibility of the newly formed social services departments that were introduced in 1971 following the recommendation of the 1968 Seebohm Report. These departments had a huge brief that included responsibility not only for children but also for the elderly and disabled.

44. The prevailing research interest in the late 1960s and early 1970s was on the effects of different residential regimes and a belief that results would vary for each type. But follow-up studies of re-offending rates among young offenders found more similarities than differences and concluded that most of the anti-social behaviour could be explained by other background variables. Until then, the Home Office had encouraged some experimental approaches, one of which was the 'short, sharp, shock' (a term borrowed from *The Mikado*) provided by detention centres and another the setting up of therapeutic communities, inspired by the Henderson Hospital model, at two former approved schools, Peper Harow and the Cotswold Community. These were transformed into something quite different from the old approved schools. The community of boys (they were both single-sex) and staff was seen as an essential part of the 'treatment'. Priority was given to communal meetings, where an individual's behaviour was discussed by the whole group, and to customised therapy for each individual. The provision was marked by a relaxed regime, supportive staff-pupil relations, good food, comfortable furnishing and opportunities to pursue personal interests, especially the arts<sup>xiv</sup>. But the history of these initiatives is typical of much child care: they had a belief based on a sensible theory but adopted a somewhat superior stance to the rest of the system and eschewed proper evaluation, preferring to rely on qualitative case studies. Sadly, lack of evidence to justify their high fees meant that they have struggled to survive economic downturns and reductions in local authority funding. However, a few establishments, such as the Caldecott Community and The Mulberry Bush continue to offer a specialist service for severely harmed children.
45. Further politicisation occurred in the mid to late 1970s with regard to race and ethnicity. It began in the approved schools that ran regimes based on a white working class culture in a context of full employment; that meant that boys did not swear in front of women, got up punctually for work, paid their mothers for their keep etc. In the late 1960s, schools serving the London and Birmingham regions began to admit large numbers of older African-Caribbean youths brought up by grandparents in the West Indies before joining their parents in England. Their demands and behaviour challenged the old order. For example, some wanted to retain their Rasta hairstyles and had different values and cultural expressions with regard to such things as punctuality and ways of showing respect to officials. All this began to challenge the fundamental values of the regimes. Indeed, the issue of cultural tolerance was to explode later in the decade when black social workers and birth families began to demand same race placements in foster care and adoption.

Nevertheless, it took a long time for the issues of ethnicity to be addressed; for example information about the ethnic backgrounds of looked-after children was not collected by the Department of Health until 2001.

46. These tensions were not restricted to child care. In society generally the 1970s saw growing inter-generational differences and declining religious observance, with compulsory church attendance removed as a requirement from the regulations governing foster and residential care. In residential care, it led to less emphasis on reform and re-socialisation to a moral ideal and more to an orientation to areas in which the outcomes have immediate practical use, such as educational achievement, social skills and coping strategies in terms of finding work and accommodation. As one Scottish List D school head said at the national conference in 1972, “With two million unemployed, I’m not worried that my boys can’t play the flute”. Proselytisation and reformist zeal had been significant in the past but were swept away by the force and speed of these social changes. Even the British public schools had to refine their long-standing belief in the merits of muscular Christianity.
47. The history of the approved schools provides a good example of a sea change in the influences on policy and practice. There was a concern about rising costs and a generally anti-institutional ethos across the developed world and for the first time the adverse effects of institutionalisation (institutional neurosis) were being charted. This had been suspected by the Curtis Committee who noted that many of the children in the places they visited were ‘touch hungry’ and ‘desperate for attention’. In 1961, Erving Goffman wrote a provocative book on US mental health hospital care that described in broad terms the symptom of institutionalisation but these were categorised by the English psychiatrist Russell Barton into a recognisable clinical condition<sup>xv</sup>. He charted the defects and disabilities in social skills shown by people who had spent a long time in institutions cut off from the outside world, such as mental hospitals and prisons, and later extended to the armed forces, staff in boarding schools and religious orders. Such people are unable to exert independence and responsibility to the extent that they cannot cope with life outside the institution, even with simple things like cooking, laundry and self-care, let alone more complex aspects of life such living independently or establishing and maintaining relationships.
48. In addition, specific studies were conducted to a high scientific level (i.e. randomised controlled trials). One that was especially influential was the Home Office Research Unit’s report, *Residential Treatment and its Effects on Juvenile Delinquency*<sup>xvi</sup>. The research randomly allocated boys to two contrasting regimes at Kingswood Approved School in Bristol, one a therapeutic community and the other a traditional training programme. It found similar rates of re-offending for both groups. In 1978/9, the Government thus agreed a policy shift and huge resources were devoted to community alternatives for young offenders called ‘intermediate treatment’. It was inspired by the closing of all reform institutions for juveniles in Massachusetts, although the British version sometimes included a short residential experience as part of the programme.

49. Alternatives to residential care also developed for other groups, such as people with disabilities who were able to live at home and attend day centres. Family centres also opened across the country, often run by voluntary associations. There were two main types<sup>xvii</sup>: those to which children at risk of harm were referred for the purpose of family support, safeguarding and administering access arrangements, and those that offered a range of facilities to every family in the local community – open all hours, everyone welcome. There was no reliable research to evaluate the effects of either type of provision and as they are a targeted service in terms of clients and location, have been easy candidates for cuts and have opened and closed with considerable frequency. There has also been a lively debate between the ‘helping families in a non-stigmatising way’ argument versus one that raises fears about the dangers of ‘congregating people with problems’.
50. But interestingly the application of psychological research did not always lead to positive change, as is illustrated by the history of residential observation and assessment centres. The Curtis Committee (1946) had endorsed the idea of providing reception centres for children coming into care, seeing them as the corner stone of the new service, and supported the prevailing psychological perspective that emphasised the benefits of a multi-disciplinary assessment to inform future plans. Reception centres were thus seen as a keystone of new provision as they could help children settle, assess their needs and move them on to somewhere suitable. But as more difficult adolescents, some of whom who would previously have been accommodated in remand homes, began to enter care following the changes introduced by the 1969 *Children and Young Persons Act* (implemented in 1971), a new set of establishments was needed and observation and assessment centres were opened across the country. These offered a six to eight week assessment leading to a placement decision. But criticisms of this arrangement soon arose: the setting was too artificial for an accurate assessment, it introduced an unnecessary placement change, eight weeks out of school destroyed children’s education and, most devastating of all, nearly all of the final placement decisions could have been predicted on entry. Also, what was recommended could not always be realised. So, no sooner had these centres been established – they accommodated 5,300 children at their peak in the early 1980s – than they began to be run down (only 700 residents in 1995) and by 1998 had actually disappeared as a placement category in the government’s annual child care statistics. A parallel decline also occurred in the old approved schools where between 1978 and 1990, three quarters of the 100 or so schools closed.

Year	UK	Jersey
1963	<p><b>Children and Young Persons Act 1963</b></p> <p>Allowed expenditure to prevent admissions to care</p> <p>Parents no loner able to bring a child to court as beyond control</p>	

	Age of criminal responsibility raised to 10	
1964		
1965	<b>Boarding-out of Children (Amendment) Regulations 1955</b>	<b>Adoption (Jersey) Law</b>  Deals with adoption orders made outside Jersey
1966		
1967		
1968	<b>Seebohm Report</b>  Integration of children's services into social services departments  <b>Social Work Scotland Act</b>  Set up the panel system	

## 1969-89

### *The 1969 Children and Young Persons Act*

51. These recommendations for change were incorporated into the 1969 *Children and Young Persons Act* which was fully implemented by the mid-1970s. Apart from bringing more young offenders into the care system, it distinguished between voluntary care, where parents agree to a child being taken into care, the assumption of parental rights by the local authority and replaced 'fit person' orders with care orders by which a court makes the decision to transfer parental rights to a local authority. The Act also redefined the grounds for making care orders - abuse and neglect (actual or likely), moral danger, beyond control, truancy, offending and matrimonial family problems.
52. The important point for practice in England and Wales was that it changed the way decisions were made about young offenders who previously would have been given an approved school order. It extended to them the arrangement of making care orders and a specific 7(7) order was introduced, so handing responsibility for care placement decisions from courts to professionals. As mentioned earlier, this was not so in Scotland where panels retained that power.
53. The inclusion in the care system of a large group of young offenders not only led to a huge increase in the numbers in care (the in-care population in England rose to nearly 100,000 in 1977), but also altered the age distribution (over 50% of admissions were over secondary school age). It thus made demands on expensive resources. But despite this initial pressure, the care system coped and things eased as the young offender cohort aged-out of the system. Thereafter, all types of residential care began to decline across the country once alternatives had been established. Warwickshire was amongst the first to announce the closure of all its facilities in the mid-1990s, although



there was a suggestion that its use of special boarding schools increased as a result<sup>xviii</sup>.

54. The 1969 Act also set off an important ideological debate about how to deal with offenders. In making such children subject to a care order, the link between the nature and severity of their crime and what happened to them was broken. This had long been an ambition of the Labour Party and was the recommendation of the influential report of 1964, *Crime: A Challenge to us All*, prepared by Lord Longford written when the Party was in opposition. It reflected a view that the causes of crime were largely social structural rather than due to offenders' weakness of character and that the old system of dealing with them was stigmatising and counter productive.
55. But lawyers are rarely inactive and concerns soon arose about the new perspective on youth offending and court disposals, especially committal to care. While few denied the importance of deprivation and poor self-esteem in explaining delinquency, the ethical problem was that for the same offence, a very deprived child might stay in care for a long period, whereas one from a good home might return home quickly or even not be separated at all. The Justice for Children movement highlighted this inconsistency vociferously during the 1980s<sup>xix</sup> and in 2003 the Labour Government reinstated the old system and directed young offenders down a different route, namely to the newly established Youth Justice Board. This introduced a more overt tariff system based on the nature of the offence and restricted the range of details in the young person's background that should be considered by the court before passing sentence. The new Board also took over the employment of probation officers who had worked with juveniles as well as the running of former prison department facilities for young people and the secure child care units that had been run by local authorities. They combined all this provision into what became called the 'secure estate'.

#### *The 1975 Children Act and rising concerns about child protection*

56. Two other concerns bubbled away underneath the furore about offenders. The first focused on children who stayed in care for long periods or who had no hope of returning home. An influential study published in 1973 by Rowe and Lambert, *Children who Wait*<sup>xx</sup>, identified a group of children who lingered in care without plans being made for a stable family placement. Thus, the concept of 'drift' entered the child care vocabulary and adoption was seen as an option for these children; but the process for this was complex and slow. The 1975 Act aimed to eliminate 'drift' and simplify the process of finding the children long-term families by speeding up the process, 'freeing' children for adoption before a family had been found and widening the activities on which money could be spent. It was influenced by the concept of 'permanence' developed by Tony Maluccio and others in the US<sup>xxi</sup>. It was also inspired by the pioneering work of reformers such as Jane Rowe and Nancy Hazel who showed that children previously considered 'unfosterable' – adolescents, disabled, behaviourally difficult, black children and groups of siblings - could be found permanent families if sufficient effort were made. This legislation is significant in that it reduced the ability of parents to block adoptions and thus

represents a shift from parental rights to the rights of the child. Although little used by foster parents, the provision for custodianship – not introduced until 10 years after the parent Act – offered another option for ‘hard to place’ children.

57. The second concern was about the protection of children at risk of harm. Just as the Dennis O’Neill scandal arose during discussions about changes to policy, in 1974 the child care system in the UK was rocked by the death of a young girl, Maria Colwell, at the hands of her mother’s violent partner<sup>xxii</sup>, especially as she had been returned from care to live with her mother after the court had discharged the care order. Up until then, people were aware of the effects of abuse and neglect and did what they could to prevent it, but knowledge was scant and a general rule of optimism prevailed. In addition, in the 1940s and 1950s the term ‘child protection’ referred specifically to the supervision of children in private foster homes.
58. A public inquiry was held into the death of Maria Coldwell. The report was critical of the lack of coordination between different health and welfare agencies. It recommended establishing formalised inter-agency systems for dealing with child abuse. This recommendation was implemented across the UK.
59. The wider context was also different from today. Up to the 1960s, children were smacked at home and beaten at school, violence to women went unattended, although it was never socially approved, and sexual assaults often went unrecorded, let alone uninvestigated. But although there was a history of expressed concern and legislation about abuse, whether in families or in the care system, there was no clear process to investigate it and thus responses were unpredictable. The NSPCC was the most active voluntary organisation but there was no equivalent to the Child Safeguarding Boards that operate today.
60. There were dozens of inquiries in the nineteenth and twentieth centuries into abuse in residential care. The problem was that these never achieved publicity in a way they would today, and although the reports exist, they are often closed under the 100-year rule because they name children. Hence, it is unclear whether the revelations from the 1970s indicate an increase in the amount of abuse or changes in responding to it, especially the role of the media and investigative journalism. Nevertheless, the Maria Colwell case highlighted questions still being debated today. How long should known abuse and neglect be allowed to continue? What is the threshold for removing a child? What if the mother and child love each other but another family member is the abuser? It also set off a process of holding public inquiries that now attract considerable media attention.
61. New knowledge about the effects of abuse and neglect was also emerging and an influential concept from the US in the mid-1970s was the ‘battered baby syndrome’ which alerted people, including medical staff, to domestic violence as a possible cause of injuries<sup>xxiii</sup>. There was also at this time concern about

‘battered wives’ but it was some years before older children and issues such as emotional abuse and neglect attracted attention.

62. Since then, as will be explained, knowledge, tolerance and practice of child abuse have changed radically and child protection has risen to dominate current thinking, policy and practice<sup>xxiv</sup>.
63. When a comparison is made with the situation in Jersey, it can be seen that there are parallels with the regard to the 1969 Acts but not the 1975 Act.

Year	UK	Jersey
1969	<p><b>Children and Young Persons Act 1969</b></p> <p>Repeal of 1933 Children and Young Persons Act  Amalgamation of children’s departments into wider social services departments  New criteria for making care orders in place of approved school and fit person orders  Professional discretion over placement of offenders (not Scotland)  Young offenders brought into care system  Closure of approved schools and integration into residential provision  Opening of O and A centres  Children’s Committee oversees service and does not make decisions on cases  Creation of community homes with education on the premises</p> <p><b>The Castle Priory Report: Residential Task in Child Care</b></p> <p>Discusses the training needs of staff and optimal staff:child ratios</p>	<p><b>Children (Jersey) Law 1969</b></p> <p>Repealed 1933 Children and Young Persons Act  Employment  Safeguarding from moral and physical danger  Safeguarding powers of the Royal Court  Protection of children in judicial proceedings for offending  Powers to deal with serious offenders  Protection of children in family proceedings  Protection of foster children  Nurseries and child minders  The conduct and inspection of voluntary homes  Duty of committee to assume the care of certain groups of children  Role and duty of the Treatment of Children in Care Committee  Contributions toward maintenance</p> <p><i>(Article 9(5) seems to permit corporal punishment  Article 24 is first mention of fit person order and  Article 28 of supervision</i></p>

		<p><i>order</i></p> <p><i>Article 80 on voluntary homes – which voluntary organisations were/are active in Jersey?)</i></p> <p><b>Children’s Benefits Funds Law 1969</b></p> <p><i>(In the UK, no special fund was allocated, it was up to the local authorities to fund services from domestic rates and rate support grants, but there were occasional payments ultra vires)</i></p>
1970	<p><b>Local Authority (Social Services) Act 1970</b></p> <p>Establishment of social service committees Creation of directors of social services</p>	<p><b>Children Boarding-out Order</b></p> <p>Recruitment of carers and management of placements</p> <p><i>(Article 8, visits to foster homes from ‘time to time’; in the UK intervals are specified)</i></p>
1971	<p><b>Children and Young Persons (Definition of Independent Visitors) Regulations 1971</b></p>	
1972	<p><b>Community Homes Regulations 1972</b></p> <p>Creation of community homes with education in place of approved schools</p>	<p><b>Children (Amendment) Law</b></p> <p>Removal of power to send a child to an approved school</p>
1973		
1974		<p><b>Children (amendment no.2) Law</b></p> <p>Creates juvenile appeal court</p>
1975	<p><b>Children Act 1975</b></p>	

	Facilitating family placements and adoption for children Shift from parental rights to rights of the child	
1976	<b>Adoption Act 1976</b>	
1977		
1978		
1979		<b>Children (amendment no.3) Law</b>  Replaces 'detention centre' with 'young offenders centre' Raises age of entry to 21 Replaces approved school order with 'place of safety' Abolishes prison for under 18s
1980	<b>Child Care Act 1980</b>  Largely consolidating but tightened regulations on private fostering  <b>Foster Children Act 1980</b>	Inspection by Social Services Inspectors from England.  Ninety-nine recommendations made for improvement in: General policy Premises Workload Staff roles Monitoring and case reviews Fostering Adoption Child Abuse Day care for under 5s School attendance Juvenile delinquency Residential provision Haut de la Garenne Staff development
1981		
1982	<b>Boarding-out of Children (Amendment Regulations) 1982</b>	
1983		
1984	<b>Short Report on Children in Care</b>	

	Highlighted domestic violence as a risk of harm to children  Recommended reorganisation of social work services into a national social services inspectorate	
1985	<b>Publication of Social Work decisions in Child Care</b>  First of a series of 'Messages from Research' overviews based on a government funded research programme (Series has continued to 2013) Topics covered have included: Child placement Residential care Adoption, Child protection, Supporting parents	
1986		
1987		
1988	<b>Boarding-out of Children (Foster Placement) Regulations 1988</b>	

### 1989-present day

#### *The 1989 Children Act*

64. With all these balls in the air and the growing amount of inspections and research revealing fragmented services, unsatisfactory performance and poor outcomes, there was a need for a radical rethink about how legislation could satisfy all these demands. The solution came in England with the 1989 *Children Act*.
65. It is impossible to describe this radical and comprehensive law in detail but some salient points will be offered. Initially, it followed reviews by several important bodies, such as a Parliamentary Committee (Short Report)), the Law Commission and the Department of Health's own *Review of Child Care Law* and energy of individuals such as lawyer Brenda Hale and civil servant Rupert Hughes. It also took notice of the considerable amount of research that had become available in the 1980s and was seen as highly 'research informed'. This knowledge was not just confined to informing the Act, but was expanded in the volumes of guidance that accompany it; these are almost text books in their own right. This means that the Act cannot be read in isolation.
66. The 1989 Act was a mixture of consolidation and radical reform. In terms of consolidation, it integrated public and private law and brought day care into

line with other services, even though the Act is not usually seen as consolidating legislation.

67. In terms of radical changes, however, the impact is more obvious. It abolished the plethora of conditions to take action and in their place set several underlying general principles: the child's welfare must be paramount (a forceful word that had been hinted at but not used before in legislation), children were to be perceived as 'being in need' in the sense that their health and development would be impaired if no services were offered, the criteria for judging this should be the risk of harm or significant harm (a checklist to assess this was published), action should not be taken unless it could be shown to improve the child's situation (the least detrimental alternative), children's race, religion, language and culture should be respected and the child's voice should be heard at all times, with assistance from a sympathetic adult if necessary.
68. Philosophically, the change was important too. Although the final vestiges of the Poor Law had long since disappeared from child care, the 1989 Act finally sealed its coffin by combining private and public law, thus providing an approach to serve all children on the basis of their needs. Similarly, the Poor Law had been funded by local taxes and parishes had been eager to minimise costs and avoid taking on cases from elsewhere by constructing eligibility criteria and barriers to obtaining a service. Again, although this issue was not a significant deterrent to practice, the new Act emphasised that children should get what they need, as they would in the NHS in a manner unfettered by financial and administrative complications. It is important to note, however, that while one fundamental principle of the Poor Law - the principle of less eligibility whereby those benefitting from public services should not be better off or more comfortable than other people outside - was no longer important in child care, it continues to be a contentious matter in social security with arguments about whether financial benefits should be allowed to exceed income from employment.
69. The 1989 Act also dropped the use of pejorative terms, such as 'in care' and 'handicap', introducing less stigmatising ones, such as 'looked-after' and 'disability'. In combining private and public law, it emphasised that any child can be 'in need', not just those from poor families, and that both would be dealt with in the same way. It also abolished the ability of local authorities to assume parental rights and responsibilities by administrative fiat, that is without recourse to a court, a power that had existed for 100 years. Finally, it attempted to answer two criticisms of the earlier care system made by Jean Packman, John Triseliotis<sup>xxv</sup> and other researchers, namely that it was too much of an 'all or nothing' service and more was needed in-between, and that for children and families it was a punitive experience that deterred people from seeking help and de-skilled those who did.
70. Some of the details based on these principles are important. Courts could now make orders from a range of options, not just care orders but assessment, contact, residence and prohibited steps orders. Some of these obviously limited professional choice, but apart from those, any selection was possible

from a spectrum of services, depending on the needs of the child, thus achieving the best match between needs and services. However, this did not mean that social workers had a completely free hand as there are always questions of cost and availability. So, as with so much previous child care legislation, the new arrangement was more about setting a tone and emphasising a perspective than offering something radically different. In addition, it is important to note that care orders did not open the door to specific services, they merely allowed professionals to act in the child's interests. In contradiction to a popular misconception, it did not institute a separate child protection 'service'. Neither did care orders completely remove parental rights, so retaining some element of shared care. In the past, child care officers had considerable discretion, even if they were not officially given it – so the significant point about the 1989 Act is that it recognised this discretion as important and enhanced it.

### *Legislation in Jersey*

71. So to move to Jersey legislation, it can be seen that thirteen years after the UK reforms, there was a shift from the 1933 Law, which focused mostly on offenders, to the more comprehensive *Children (Jersey) Law 2002* in terms of the range of children it covers and the scope of its remit.
72. Much of it echoes the 1989 Act in England; for instance in Article 2(1) 'the child's welfare shall be the court's paramount consideration'. There is also a specification in Article 2(2) to reduce delay, and in 2(3) to take account of the child's wishes, to adopt a broad needs perspective, to note any risk of harm and to look at all options and their likely effects, to seek the least detrimental alternative and to assess any strengths in the child's extended family.
73. Further detail in Article 3 of the Jersey legislation defines who can have parental responsibility, given the diversity of contemporary family structures, and Article 7 ensures the child's right to have a guardian nominated. Article 16 allows for family assistance. In addition, the orders available to the court (Article 10(1): residence, contact, specific issue and assessment (Article 36), are again similar to those in the UK.
74. In Part 3, however, there is something unique to Jersey where the role and responsibilities of the Minister and, before 2002 the Education Committee that held responsibility for child care, are elaborated. Both have been and are seen as the providers of services and have responsibilities to oversee the child's situation. Without knowing the Jersey system (and Jersey is a small authority so presumably a small group of professionals know one another and have opportunities to reach decisions informally), it seems that the Committee system was a continuation of the 1948 Act arrangements in England and Wales where the local authority children's committee had to sanction key decisions, such as assuming parental rights. The original Article 24, for example, says 'the Court on the application of the Committee may make a care order placing the child....in the care of the Committee' but since has become the 'care of the Minister'. Arrangements for decisions on individual cases were abolished in England and Wales in 1969 and social services (now



children's services) committees merely oversee the whole service rather than approve specific decisions about children, although since 2000, Governments have encouraged elected members to be more closely involved in services and have requested that a specific councillor be nominated to do this, as was original the expectation of the chair of children's committees.

75. The 2002 Law also deals with specific issues, for instance Article 22 on secure provision, contact between child and birth family (Article 27), applications to discharge orders (Article 33), emergency protection (Articles 37-43) and abductions (Articles 44 and 45). It also requires registration and oversight of voluntary homes (Article 54) and management of private fostering arrangements (Article 58). Court procedures are covered in Articles 67-76), although there appears to be no provision for the appointment of a guardian ad litem. Financial arrangements are dealt with in Schedule 1.
76. Although the Jersey legislation is underpinned by the overarching welfare principle, some of the detail is different from the 1989 Act in the UK. There appears, for instance, to be less emphasis on the requirement to fashion a multi-disciplinary approach. The Jersey legislation is also less clear about what exercising parental responsibility actually involves and there appears to be less concern about promoting the welfare of children not in care, for example by providing day care for the under fives. The categories of residential home that have to register are more restricted than in the UK and the arrangements for reviewing children's progress more flexible. It may be that extensive detail is deemed unnecessary given Jersey's small size, but the result is that some of the Articles come over to the outside reader as a bit more vague than their 1989 UK equivalents. It means that, in theory, there could be discrepancies between different Articles, such as when there is no one officially appointed to help the child through the court process; but the reality is that given the size and compactness of the island, this may be someone in the same office. This makes it difficult for an outsider to know what actually happens in practice.
77. With regard to the actual services that children experience, two sets of regulations seem especially apposite. The *Children's Homes Regulations* of 2001 (passed in England) emphasise the welfare principle and standards of care, protection from abuse and a duty to promote education but most of the text is devoted to the internal running of the establishment. Only Section 12 on the care plan discusses the links with other family services, expectations for the child's future and liaison with other professionals. Again, the local context might make it unnecessary to specify more detail but the result of this is that the ethos of the regulations comes over as somewhat institutional rather than as seeing residential care as a positive intervention within a comprehensive service.
78. The Jersey *Child Placement Regulations 2005* cover the procedures for selecting a placement for a looked-after child. They, again, emphasise the welfare principle and specify features that should make the placement a success. But, as before, while there is some provision for supporting foster carers, there is little on the positive contribution they might be able to make to

the child's life. In the text they come over as relegated to a tending role rather than as trained and supported front line agents.

79. Some of these impressions were picked up in the inspection report of 2012 prepared by the Care Inspectorate, the successors to the Social Work Inspection Agency. The Care Inspectorate found an auspicious context with 'committed and skilled front-line staff' who 'worked well together'. But there were criticisms that some residential and foster carers were undervalued and not involved in discussions about children. Some children also felt ignored when they expressed a view or complained. The lack of performance measures was also noted with consequent doubts about the arrangements for system management and quality control. This is in contrast to England where there are now regular surveys of children in need, comparisons across local authorities of outcomes for looked-after children regarding such things as educational attainments, emotional and behavioural difficulties, physical and mental health, substance abuse and offending.
80. A follow-up inspection by the Care Inspectorate in September 2013 found that many improvements had been made regarding the 14 earlier recommendations. In seven cases, there had been major changes for the better and in two others good progress had been made. In five other cases, however, the situation still needed attention. The good points were the new structure and sense of purpose and direction it gave staff, better service planning centred around six outcomes for young people, the incorporation of diverse recommendations into a single strategic plan, better corporate plans to ensure child protection, listening to the views of children, efforts to improve the confidence and status of residential staff and better arrangements for out-of-hours contact.
81. In two other cases, things were improving but with more work needed. These areas were: developing a comprehensive commissioning strategy and gathering basic information on children's backgrounds and progress.
82. Five areas were still causing concern. There was still insufficient evidence about the impact of services and how well they were meeting targets and aspirations. An effective performance management system, although in embryo, had yet to be implemented. Although complaints from children and other users were heard, they were still not addressed and incorporated into planning. There was a marked absence of any vision for residential care and manuals of procedures to help staff work effectively were not available.
83. Another review, this time of services for children and young people with complex and additional needs, was undertaken by the charity Action for Children, recommended more inter-agency cooperation, the development of prevention and early intervention services, attempts to set joint working practices and objectives, reorganising the relevant social work teams, promoting a personalised approach and reviewing legislation and guidance. It also echoed the earlier inspectors by suggesting better ways of listening to users, collecting appropriate information and developing new services, such as early family support and short-breaks care.

84. The Jersey Children's Policy Group has been attempting to incorporate the recommendations from all these reports into an overall service improvement strategy. They have reviewed the progress made with regard to 60 recommendations and produced action plans accordingly.
85. As the 1989 Act in England and the 2002 Law in Jersey and the accompanying rules and regulations cover such a wide area (although they say little on juvenile justice, family courts or adoption) and try to reconcile the contradictions that have been discussed, it is inevitable and correct that there has been continuous debate about the strengths and weaknesses of the approach. However, when the detail of the 1989 Act in England has been intensively scrutinised, such as in the two reports on the quality of child protection services by Lord Laming, the special edition of the journal *Children's Services*, the overviews of children's serious case reviews produced by the Department of Education and the recent Munro Report on child protection, the fundamentals of the Act have been judged sound<sup>xxvi</sup>. This does not mean, however, that the care system is perfect as illustrated in criticisms by Michael Little that the system is still unethical with regard to consent, rights and scientific authority and that what is actually offered is often at odds with the needs of children and families<sup>xxvii</sup>.

*The significance paid to child protection in England*

86. Most of the controversies since the mid-1980s have concerned child protection and whether legislation is too sympathetic to dysfunctional parents or action is delayed for too long. The various inquiries illustrate this: those analysing the circumstance leading to the deaths of Victoria Climbié and Peter Connelly criticise professionals for failing to respond to clear indicators of abuse, whereas the Orkney and Cleveland reports criticise them for acting too precipitately<sup>xxviii</sup>.
87. As child abuse can be identified by a number of different services, such as health, social services and education, and individuals, in 1995 the Government issued guidance, *Working Together*<sup>xxix</sup>, to strengthen inter-agency cooperation. Because of separate agency budgets, domains and restrictive practices, the failure to collaborate had long confounded effective practice. At the same time, the Government launched a refocusing strategy to address the problem of achieving better integration between child protection and family social work. Research studies had shown that the vast majority of referrals for abuse and neglect did not lead to the removal of the child but to the provision of help via family support. It was felt that this should not be lost because of the influence of a few extreme cases. *Child Protection: Messages from Research*<sup>xxx</sup> was an important publication in this respect.
88. While no-one wishes children to be harmed, there were several sub-agendas in this policy shift. First, child protection has given social workers a clear role and status; this should not be underestimated as in 1981 an influential book had asked *Can Social Work Survive?*<sup>xxxi</sup> Second, the policy in England and Wales seems to have been driven more by developments in the US than those

in Europe where child protection practice is rather different (in Scotland more Scandinavian influence is detectable). The researcher Matt Stagner<sup>xxxii</sup> has explained that in the US, the protection of an individual's rights is enshrined in the Constitution and there is a more individualistic social ethos.

*The New Labour Government of 1997*

89. Labour's convincing election victory in 1997 heralded an extensive welfare programme but, perhaps surprisingly, with regard to children in care, it tended to accept the existing system set up by the 1989 Act but tried to make it work better. Thus, in England there was legislation in 2000 to increase the support of care leavers up to the age of 21, in 2002 to revise the arrangements for adoption, in 2008 to improve the availability of accommodation for looked-after children and to ensure that health and education were considered in reviews, and in 2010 to encourage even stronger approach to their education.
90. In Scotland, the most recent legislation, *Children and Young People Act (Scotland)* 2014, strengthens after-care and introduces arrangements for continuing care. The new Labour government did, however, introduce some high profile changes to ram home its intentions. One of the first areas to be affected was adoption and the Prime Minister gave his personal commitment to speeding up the process and reducing restrictions on applicants. This has continued with the number of adoptions from care in England rising from 1,600 in 1978 to 3,980 in 2014, and with groups previously excluded, such as gay and lesbian and single parent adopters, now eligible. A second was the transfer in 2007 of responsibility from the Department of Health to the newly titled Department for Children, Schools and Families. This integration with education also occurred at the local level with the incorporation of the sectors of social services departments concerned with young people and families into larger children's services departments which included education and which are often managed by someone from an educational rather than a social work background. The staffing of these department is now dominated numerically by teachers and classroom assistants with, in a typical local authority with a population of one million, social workers forming only 4% of a workforce of 15,000 directly involved with children.
91. In addition to revised legislation and guidance, several publications on looked-after children, such as *Care Matters* in England in 2006, *Children First* in Wales and *Getting it Right for Every Child in Kinship and Foster Care* in Scotland<sup>xxxiii</sup>, reinforced the earlier messages about the welfare of each child being paramount and to carry on doing more of the same, but to do it well. One method specified in the England document was family group conferences which received approval in *Care Matters* despite a lack of evidence to show their effectiveness, again illustrating the uneasy combination of belief and science that has marked this field for so long.
92. Labour's commitment to children was considerable but its most radical innovations tended to cover broad areas, such as the welfare of all children, as manifest in the publication *Every Child Matters*<sup>xxxiv</sup>, the reduction and eventual elimination of child poverty, early years prevention (the creation of

SureStart<sup>xxxv</sup>), pre-school education, better school facilities, modifications to school curricula and investment in health and leisure, all supported by other changes, such as higher financial benefits, a minimum wage and better child care supports for working parents as part of its Welfare to Work programme.

93. Children in care benefitted from improved chances of having a better time while there in terms of experiencing choice, protection from abuse, an allocated professional and easy access to outside help, such as Childline, as well as from extra money to assist with their education and life after leaving care. To encourage this, the Government set cross-agency standards. One of these was the Assessment Framework<sup>xxxvi</sup> designed to help different professionals chart the needs of children and families using an 'ecological' model. It also issued extensive and detailed guidance on almost every aspect of the work and instituted an integrated system of recording children's needs and experiences to be used by all agencies. Unfortunately, this bureaucracy proved so overwhelming that it produced a counter reaction from professionals who felt that the excessive control over activities and the demand for paperwork was displacing direct work with children and families<sup>xxxvii</sup>. Social work was being reduced to a dehumanised tick-box approach – in great contrast to the early child care officers in the 1940s and 50s who had considerable professional discretion, did what they felt right and kept scant notes. But the Government argued that the new system was necessary because cases were now so complicated and the threat of litigation so real, it was necessary to ensure that when making decisions, all factors known from research to be possibly significant were considered in a consistent way and that decisions and reviews would reflect this.
94. Paradoxically, increasing central control was accompanied during this period by a rise in the number of independent (i.e. for profit) and voluntary providers. For example, in England in 2013 there were 407 private and voluntary children's homes and 229 independent fostering agencies which when added to provision in the 152 local authorities, means that there were 788 agencies involved in the care of looked-after children, challenging the quest for better coordination. In some local authorities, over half of foster placements and nearly all residential ones are purchased from outside commercial companies, indeed the rates for the whole of England are 36% of all foster placements - excluding those with relatives and friends - and 72% of all registered places in residential settings. When this change is coupled with the growth of academies and free schools in education, the changes have seriously weakened the ability of local authorities to influence what goes on within their areas. In the past, the voluntary sector was always more freewheeling and difficult to control and until the 1930s there was no automatic registration and inspection, and what control there was came via grants from central or local government. Although there is now more oversight, it remains difficult to impose national policies on the independent sector or even to know what is happening - witness the different amount of statistics available about the public sector compared with the private.
95. It has almost passed unnoticed that in 2013, Part I of the *Children and Young Persons Act 2008* was commenced that allowed local authorities in England to

delegate service functions for looked-after children to a third party provider, and that there had already been pilots, such as Virgin Care in Devon. But now, via these new regulations, the government wishes to extend this to all children’s services.

96. The results of all these changes are still being assessed. Some have clearly been beneficial but others less so. For example, many respected and innovative organisations, especially community facilities and therapeutic residential centres, have been curtailed or closed down after the financial crisis of 2008 and there was a large increase in admissions of older adolescents (under 18s) to young offenders institutions around the turn of the century, although, remarkably, this has dropped by two-thirds in the last four years, emphasising the dangers of drawing conclusions from short-term comparisons.

*The situation since the election of the 2010 Coalition Government*

97. Although not hostile to children’s services, the Coalition government since 2010 has generally let things carry on with the focus mainly on education and schools. There has been one symbolic change in England: the speedy dropping of Children, Schools and Families from the name of the responsible Government department, which is now just the Department for Education. There has also been a specific policy to increase further the number of adoptions from care and make the process quicker and simpler and reports on child protection services and prevention strategies were commissioned from Eileen Munro and Graham Allen respectively<sup>xxxviii</sup>. Otherwise local authorities have been left very much alone in terms of policy and practice, except in those places where the Government’s inspection arm, OFSTED, has found poor standards. There have also been some interesting innovations, such as he creation of ‘virtual heads’ and transferrable funding to improve the education of children in care. But, it is generally fair to say that there has been no dramatic shift in ideology about what is done, in contrast to ideas about how it is done, and the Government has shown little interest in commissioning radical research. But what has hugely affected local authorities is the large reduction in central Government funding. As a result, many services for children and families have been withdrawn and plans have been abandoned. There were 3,632 SureStart centres in England in 2010 but only 3,116 now, a fall of 14%. More significant, and in contrast to former years, costs and ‘value for money’ have become a central issue when making decisions such as choosing an out-of-area placement in a residential school or secure unit.

YEAR	UK	JERSEY
1989	<p><b>Children Act 1989</b> (in force 1991)</p> <p>Published guidance provided Clear principles: Child’s welfare paramount Match needs to services</p> <p>New concepts:</p>	

	<p>Children in need  Significant harm  Least detrimental alternative  Respect race, religion and culture  Child's voice to be heard  Spectrum of services</p> <p>New terms:  Looked-after children  Disabled</p> <p>Administration:  Combined private and public family law  Reduced barriers to services  Parental rights via court  New range of court orders  Professional discretion after court order made</p> <p><b>The Care of Children: Principles and Practice in Regulations and Guidance</b></p> <p><b>The Utting Report on Residential Care</b></p> <p><b>Report on removal of children from families in Orkney</b></p>	
1990	<b>Community Homes (Control and Discipline) Regulations 1990</b>	
1991	<p><b>The Children's Homes Regulations 1991</b></p> <p><b>The Arrangement for Placement of Children (General Regulations) 1991</b></p> <p><b>The Foster Placement (Children) Regulations 1991</b></p> <p><b>The Placement of Children with Parents Regulations 1991</b></p> <p><b>The Contact with Children Regulations 1991</b></p> <p><b>The Review of Children's Cases</b></p>	

	<b>Regulations 1991</b>	
1992	<b>The Warner Report: Choosing with Care</b>  Report of a Committee of Inquiry in to the selection, development and management of staff in children's homes	
1993		
1994		<b>Protection of Children (Jersey) Law</b>
1995	<b>Major revision of Working Together in Child Protection</b>  <b>Publication of Child Protection: Messages from Research</b>	<b>Children's Order, Northern Ireland</b>  Introduced changes similar to the 1989 Children Act in England  <b>Transfer of Functions (Health and Social Services) Act</b>  Functions of Education Committee under Adoption Act 1961 and Children Jersey Law 1969 transferred to Health and Social services Committee but Education Committee retain some functions of the 1969 Act  <b>Residential Homes (general provisions) Jersey Order</b>  Specifies conduct of homes
1996		
1997	<b>People Like Us</b> Review of safeguards in residential care	
1998	<b>Publication of Quality Protects</b>	
1999		<b>Age of Majority (Jersey) Law</b>  Reduces age of majority from 21 to 18 Power to assist young persons previously in care



2000	<b>Assessment framework published</b>  Legislation to increase support of care leavers to 21	
2001	Responsibility for young offenders moved to Youth Justice Board  <b>Children's Homes Regulations 2001</b>  Welfare brief Appointment of managers Recruitment of staff Ensure education and health Safeguarding policy Respects privacy Respects culture and religion Need for a plan Contact arrangement Permitted controls Complaints procedure Record system Fitness of premises	
2002	<b>Adoption and Children Act</b>	<b>Children (Jersey) Law 2002</b>  Repeals Children (Jersey) Law 1969  Principles: Child's welfare paramount Child's wishes heard Needs-led services Least detrimental alternative All options considered  Redefines who can have parental responsibility Redefines roles of the Minister and Committee Revised arrangements for secure accommodation, family contact, emergency protection and abduction.  Registration and oversight of voluntary homes and management of private fostering arrangements
2003	<b>Appointment of a Children's</b>	

	<p><b>Commissioner</b> Followed the recommendation in the abuse inquiry in North Wales for an independent ombudsman-type official</p> <p><b>Publication of Every Child Matters</b></p> <p><b>Report on death of Victoria Climbié</b></p>	
2004		<p><b>Protection of Children (Amendment No. 3) (Jersey) Law 2004</b></p>
2005		<p><b>Children Rules 2005</b></p> <p><b>Children (Contact in care (Jersey) Regulations 2005</b></p> <p>Reemphasises the welfare principle Sets standards of care Protection from abuse Importance of education</p> <p><b>Child (Placement) (Jersey) Regulations 2005</b></p> <p>Procedures for making a placement</p> <p><b>Child (Secure Accommodation) (Jersey) Order 2005</b></p> <p><b>Children (Voluntary Homes) (Jersey) Order 2005</b></p> <p><b>Children (Parental Responsibility Agreement) Rules 2005</b></p> <p><b>Children (Prescribed Classes of Applicant to vary Decisions) Rules 2005</b></p> <p><b>Child Custody (Jurisdiction) (Jersey) Law 2005</b></p> <p><b>Child Abduction and Custody (Jersey) Law 2005</b></p>
2006	<b>Publication of Care Matters,</b>	

	<b>Children First and Getting it Right for Every Child</b>	
2007	Transfer of responsibility from DH to DCSF  Social Care Institute for Excellence established	
2008	<b>Publication of Munro Report on Child Protection</b> Legislation to improve health and accommodation of children in care  Children and Young Persons Act  Enhances the contracting out of services	<b>Williamson Report on Child Protection</b>  External review Role of residential care New management structure  <b>Howard League report on Youth Justice in Jersey</b>  Ratify UNCRC Child specific policy Preventive services
2009	<b>Report on death of Baby Peter Connolly</b>	
2010	Change of name of Government Department to Education  <b>Children, Schools and Families Act</b>  Legislation to improve education of children in care New arrangements for special educational needs, disabilities and family proceedings	
2011		
2012	College of Social Work established	<b>Inspection report by Social Care Inspectorate</b>  Skilled front line staff but residential and foster carers undervalued Children felt their views ignored Lack of performance indicators  <b>Action for Children Report on Services for Children and Young People with Complex and</b>

		<b>Additional Needs</b>  More inter-agency cooperation, More prevention and early intervention Joint working practices and objectives Reorganising relevant social work teams Promoting a personalised approach Reviewing legislation and guidance and developing new services
2013		<b>Follow-up Inspection report</b>  New structure, better planning, children heard, residential staff supported and better out-of-hours contact. But, commissioning strategy, recording of information, evaluation, complaints procedures, vision for residential care, training manuals and performance management system still need attention.
2014	New Adoption Act in process  Legislation in Scotland to improve continuity of care	<b>Children's Policy Group</b>  Review of and plans for implementation of 60 recommendations in previous reports

### **Changes in child care since 1945: three general points**

98. This quick Cook's tour of post-War child care history is inevitably selective but before drawing out some general themes and trend, several points need to be made to clarify the discussion.
99. When comparing 'then' and 'now', it is important not to romanticise the past. Resources were scant, practice was variable, abuse went under-reported and outcomes were unknown; but some of the relational element of the old children's departments has undoubtedly been lost and social work has become

more structured and bureaucratic. However, if you take one area – the education of children in care – changes for the better are vivid, as manifest in Sonia Jackson’s recent book on this topic<sup>xxxix</sup>. It was scarcely an issue thirty years ago but is now funded and planned to a sophisticated degree, with a ‘premium plus’ extra to school for each looked-after children on its roll. On the other hand following the Southwark judgement that voluntary care should be used to accommodate homeless 16-18 year olds, the latest evidence suggests that these young people tend to be placed in B & B or lodgings rather than the professionally staffed hostels of former years<sup>xl</sup>.

100. A second commonly asked question is: are children in care more ‘difficult’ than in the past? As a population, in the UK at least, children in care today are more ‘difficult’ in terms of their presenting problems and/or behaviour. This is to be expected as preventative services are more effective, there are alternatives to care and problems that commonly led to a child’s admission in the past, such as poverty, eviction, mother’s confinement, non-school attendance, beyond parental control and petty delinquency, are dealt with in other ways. Thus, the ‘easy’ cases are filtered out. We also have better understanding of and are more sensitive to the effects of abuse, trauma and separation, the difficulties of attachment and identity and the causes of disabilities. Children and families also have more rights, making processes more complex.
101. But, and this is the important point, at the level of an individual child, any difficult youngster today could be matched with a similar one fifty years ago. In that sense there has been little change.
102. A third perennial issue concerns the training of professionals and carers. It took a long time to establish a national training for social workers but the Certificate in Social Work (CQSW) and Certificate in Social Services (CSS) were in place by 1980 and degree and post-graduate courses have followed. The College of Social Work and Social Care Institute for Excellence have opened, both initiatives reflecting a major change from the early years.
103. However, certain problems associated with training endure. Social work is still seen as a poorly paid occupation for women (85% of child care staff are female). The amount and level of training among residential staff remains lower than that for field social workers, as it has done since records began. But it is the turnover as well as the availability of trained staff that present difficulties at the moment, especially in large cities. Some urban councils have staff vacancy rates of 25% and a 20% annual turnover. For carers, training opportunities tend to have lagged behind those available to professionals but most foster parents and adopters now receive some training and support, although the national picture is still patchy.
104. But even if training improves, there is still a problem of whether we can actually legislate for good care. The research by Ian Sinclair and colleagues shows clearly what children want and value in foster and residential homes – fairness, personal concern, respect, commitment, freedom from bullying, likeable staff – but it is difficult to legislate for this or train people to ensure

this happens. If it can be learned, it is more likely to be from the example set by senior colleagues than by a course or manual. Hence the frequent recommendation in inquiry reports for better training is likely to have limited effect<sup>xli</sup>. No matter how subtle are the processes of recruitment, training, matching and resourcing, there is always an emotional variable which, if we take children's views seriously, must be incorporated into professional practice to achieve good outcomes. Sinclair argues that matching the professional with the human elements is a major challenge to the provision of foster and residential care.

## PART 2

### Trends and developments in children's services since 1945

105. In the introduction it was pointed out that another way of looking at developments historically is to identify trends, in this case in child care policy and practice. Obviously, with such a vast topic, the possibilities are enormous so nine of those we consider to be important will be selected.

They are:

- i. the differentiation and amalgamation of services
- ii. the move of rights from the hands of the state to families and to children
- iii. the focus on outcomes rather than processes
- iv. the influence of research and international comparisons
- v. the rise of pressure groups and the politicisation of child care
- vi. the balance among providers between independent for profit, voluntary and state agencies, and the growth of social markets
- vii. specialisation within a process of professionalisation of the care task
- viii. what to do with chronically neglected infants
- ix. the problem of enduring instability

Each will now be discussed in turn.

#### *The differentiation and amalgamation of services*

106. It is often assumed that social services that rely on regular interaction between professionals and users (as opposed to, say, social security) develop by increasing sub-divisions into more specialist units. Neil Smelser calls this process 'structural differentiation'<sup>xlii</sup> and one can see how quickly it can happen. For example, compulsory education in England was introduced as late as 1880<sup>xliii</sup> yet within the next thirty years, provision had expanded to include schools for the partially deaf (1906) and mentally handicapped (1913), as well as nursery education for the blind (1918). Similarly, while welfare workers and the NSPCC were the main agents of child protection for many years, there are now dozens of professionals trained in this area – teachers, doctors, police, therapists etc. But it is not always appreciated that change also occurs by amalgamation; the *Children Act* 1948 integrated disparate services and the 1969 Act brought offenders into the care system. The Seebohm Report of 1968 (implemented in 1971) gathered social work under one banner and in 2007 social services and education were merged. Thus, administrative and legal reform involves differentiation in terms of increasing specialisation and

amalgamation of previously disparate groups of workers into a stronger and more coherent professions at different times and, to complicate matters, there may be a trend towards specialisation within a process of growing amalgamation.

*The move of rights from the hands of the state to families and to children*

107. For many years the father's family was perceived as sacrosanct and it was not until 1889 that a voluntary agency (the NSPCC) could enter a home to rescue a child from abuse. But thereafter, the state increased its power over families demanding education and responsible parenting, imposing penalties and instituting powers to remove children at risk of harm.
108. In the 1970s there was concern that the State's powers were too draconian and the voices of children and families were not being heard. The 1970s saw the emergence of *Who Cares?*, *The Voice of the Child in Care* and NAYPIC (National Association of Young People in Care), along with organisations representing carers and birth family relatives. For example, it was argued that even if a mother was proved to be neglectful, grandparents and older siblings might not be. A charity, the Family Rights Group, emerged in the 1970s, encouraged by a perspective emerging from researchers such as Millham, Triseliotis and Marsh<sup>xliv</sup>. It was successful in achieving the more equal balance of power between state and family, as enshrined in the 1989 Act. But as already discussed, the rights movement did not stop there: children now have to be heard and they have a personal right not to be abused and neglected, as laid out in the 1989 United Nations Convention on the Rights of the Child.
109. In the UK the national and local state now has less power, has to argue its case before a court and can expect its plans to be challenged by the family and child. This has given rise to a curious situation whereby more individuals and families are dependent on the state because of age and unemployment, but they have more rights to protect their interests.
110. The process of taking the child's view into consideration has proved more difficult than expected. Obviously a welfare service must seek to meet the wishes of its clients, but a professional assessment of needs may not tally with the users' wishes. In addition, wishes might not be realistic, feasible and might conflict with those of others. Nevertheless, despite this complexity, the fact is that children's expressed needs and wishes are now integral components of any assessment and action plan and have mandatory force.

*The focus on outcomes rather than processes*

111. Before 1980, most research in child care was descriptive: it merely charted what happened and offered examples. But early in that decade, studies, such as *Who Needs Care*, *Lost in Care* and *Child Care Now*<sup>xlv</sup>, began to measure the outcomes of being in care and the findings were not encouraging. They revealed shocking levels of drift, movement, isolation, delayed development, poor educational attainments and higher than expected mental health and behavioural problems. There were few randomised controlled trials that would



help explain what was causing what and as Sir Michael Rutter, the eminent child and adolescent psychiatrist, explained, it was urgent to move from a focus on risk associations (that is what factors are statistically related to each other) to one on risk processes that looks at what is actually causing what <sup>xlvi</sup>.

112. In 1977, the Department of Health and Social Security introduced unit returns from local authorities which were very important in allowing greater interpretation of statistics. In the 1980s it decided to act further by commissioning more outcome studies and introducing a recording method that enable social workers to assess the outcomes of the children for whom they were responsible, the *Looking After Children*<sup>xlvi</sup> materials. But it took a long time for this thinking to penetrate practice because there is no requirement for social workers to be familiar with the latest research; it does not matter if they have not read Rowe and Lambert, they won't get the sack and it won't affect their promotion. This extends to some other professions; indeed, as late as 1996 a senior family court judge was able to opine, "I don't see why judges should be interested in outcomes; if they make a wrong decision it's corrected at the court of appeal". Naturally, the definition and measurement of an outcome is still an academic minefield – whose outcome, at what time and at whose expense? - but estimations of the expected effects of interventions is now a regular part of planning for children in a way that was unthinkable forty years ago and, slowly, processes are becoming the servants of objectives rather than ends in themselves.

#### *The influence of research and international comparisons*

113. There is no doubt that the social work literature has become more 'academic' in terms of the influence of research and theory. In the 1960s, there were only two or three empirical studies and basic survey material was scant. As one observer said, "It was possible to read a few books and become a world expert". Since then, there has been an explosion in the number of published studies in books and journals and in the application of their findings: the 1989 Act and the refocusing initiative were heavily influenced by research and there are now seven evidence-based centres linking research, policy and practice in new ways. It may be that research has influenced thinking rather than policy or even less practice, especially in social areas, but academic concepts, like attachment and identity borrowed from psychology, and family links and transitions taken from sociology are common parlance in discussions about children's needs. Similarly, theories about school failure and academic under-achievement inform the current strategies to improve the education of children in care and the new Rees Centre has been opened in Oxford to develop these. The Government, too, plays its part by publishing ever more reliable and useful statistics. Although it would be extravagant to claim that child care is a research-based activity, the existence of organisations like *Making Research Count*, *Research in Practice* and the availability of free websites like *Prevention Action* and *Blueprints* suggest that this is an expanding activity whose influence is growing as the economic situation demands that agencies prove their effectiveness.

114. Much influential research has been undertaken in other countries, especially the US. The complexity of conducting international comparisons, for example trying to see what would happen to the same type of case in different countries, means that it is difficult to draw unequivocal conclusions. Nevertheless, there is growing knowledge about policies and practice elsewhere and several international research organisations, such as EUSARF, IPSCAN and The Fostering Network, exchange information. Also, international travel and EU membership mean that professionals and politicians in the UK are more aware of alternatives, as manifest in the frequent citations of Scandinavian welfare and Singapore education as models for others to follow.

*The rise of pressure groups and the politicisation of child care*

115. There have been children's charities and philanthropists since Elizabethan times and there was a large expansion in the nineteenth century, many led by the revivalist movement, to cope with the effects of the industrial revolution.
116. However, the 1970s saw something different, a plethora of voluntary organisations acting as pressure groups and often dealing with specific issues: for example, the voice of children, step-parenting or the rights of grand parents, rather than general care and protection. Moreover, these new organisations adopted a different approach: a high political and media profile, with CEOs as national figures and strong political links. At the same time, there was an increase in investigative journalism and in independently conducted inquiries, often chaired by respected public figures, that identified areas for reform and put pressure on governments to respond.
117. Unfortunately, hasty responses often produce procedural changes that do not necessarily address the underlying reason for the failures, and so have limited effect on outcomes for children. Thus, the unintended effects of honourable intentions to improve children's situations can be more bureaucracy and the domination of certain issues over others that are equally important for children's welfare. For example, the focus on the trauma experienced by babies and toddlers entering care following abuse by their families is undoubtedly important but can divert our attention from the fact that in England in 2011/2 42% of care admissions and 56% of those in care at any one time were children over the age of nine with figures of 12% and 20% for the over 16s.
118. This change means that powerful organisations and individuals increasingly take up particular cases or causes, lobby politicians and seek media publicity. It is noticeable that when a social issue arises, the TV news contributor is more likely to be from a pressure group, a charity or a journalist than an academic or public servant. But whoever is talking, government ministers are required to answer unsolicited questions on child care and are especially exposed during parliamentary questions and appearances before select committees. Indeed, it is significant that Tony Blair and David Cameron have given their personal backing to plans for more and easier adoption.

*The balance between independent for profit, voluntary and state providers and the growth of social markets*

119. As mentioned earlier, there has been a considerable shift in the UK in the amount of foster care and residential provision provided by agencies other than the local authority and the growth of quasi-commercial relationships between the purchasers and providers of services. There are currently Government proposals to extend this arrangement to child protection and the rest. The aim has been to raise standards by introducing competition and business-style commercial evaluations. In addition, large sums of money have been made available for projects and competitive bids are invited. In England, these have replaced the annual grants given to the leading child care charities to cover their overheads.
120. While this new arrangement is neither inherently good nor bad, it does raise problems for central government seeking to fashion national policies, setting standards and managing inspection. For the agencies, the issues are more practical: developing marketable programmes and recruiting, training and supporting staff and carers. A major question for staff working in these contexts is what is their professional peer group? The US model, where these arrangements are the norm, is to have strong professional organisations that examine, licence, train and monitor practitioners, similar to the Royal Colleges of Medicine in the UK. But social work and residential care staff associations are notoriously weak, as so far are the 'trade associations' for the private providers, and the quality of foster care training is variable. Much is left to the agencies and standards probably vary as, of course, they do across local authorities. Hence, this radical change in provision, which seems to have crept into the system unnoticed, raises a set of problems yet to be resolved. This diversified market is illustrated by the facts that in England today, 36% of foster placements are provided by 250 independent agencies, many of them operating for profit, and 60% of residential ones are in 1,350 private establishments almost all outside the boundaries of the commissioning authorities.

*Professional differentiation and professionalisation*

121. In the same way that administrative structures differentiate and amalgamate, the professions involved in child care become more specialised but at the same time become increasingly integrated into a single category. Boarding-out officers became child care officers who are now social workers but there are numerous specialisms that carry that label – teams responsible for intake, leaving care, protection, adoption, fostering and residential workers. As might be expected, there is a status hierarchy within the profession in terms of pay and promotion opportunities and residential care is near the bottom with day care, partly because more than others, it employs women on low pay, many working part-time.
122. This raises the question as to whether there is a core of professional knowledge, akin to basic medical or teacher training, that can be applied universally. But, even if there is, the core of social work training still varies in

different colleges, although perhaps less so than 30 years ago. So while things are improving, we are still not clear whom we want to recruit, what we want them to know, what we want them to do and how we want them to do it.

*What to do with chronically abused and neglected infants*

123. At various times, particular groups of children have attracted especial interest and been the subject of heated debates, in the 1960s it was infants in institutions, in the 1970s it was adolescents in secure units, both of which have almost been forgotten. Current anxiety surrounds appropriate long-term plans for chronically abused and neglected infants.
124. This concern is partly the result of lowering the thresholds for intervention in child protection but also a reflection of the ways parenting is affected by addictions to alcohol and drugs and of research findings that children kept at home in such circumstances or returned there from care tend to do badly. It also ties in with the 'permanency' perspective and the robust adoption policy in some US states; namely that if a young child cannot be returned home from care within a fixed time, he or she should be adopted.
125. There has long been debate in child care about the boundaries between long-term fostering and adoption for infants and toddlers but this has become particularly salient in the last decade. Some researchers, such as Ward and Farmer<sup>xlviii</sup>, are arguing that their findings support early separation and more quick adoptions, others such as Schofield and Thoburn<sup>xlix</sup>, highlight the benefits of long-term foster care, especially its ability to hold a fragile family relationship 'in trust' until the child is old enough to understand the situation and decide how he or she wants to deal with it. Whatever the quality of the science, the discussion indicates how underlying ideological issues still underpin child care policies and practices. Some sceptics say that the pressure to increase adoption is simply 'new Puritanism', others say that it is fulfilling social responsibilities for the most vulnerable children while a third group argue that it is demand driven.
126. The debate is also academic. Two psychological concepts, attachment and permanence, are frequently cited in discussions. At a recent Coram seminar, Michael Rutter<sup>l</sup> urged caution, arguing that social workers were applying the concepts too rigidly as if these things were something children either 'had' or 'didn't have'. As a result, professionals get 'stuck' in an either/or situation. Studies of children's development show that children's attachments widen after six months, and as nothing is 'permanent' in their lives, this is the wrong word to use. He suggested 'commitment' as an alternative. He closed by saying that there was a broad consensus among professionals about what these children needed, but that the language used to describe it was not helpful.

*The problem of enduring instability*

127. One of the problems that has come to dog the British children's services is instability. The lives of children and families 'at risk' are often unstable – serial partnerships, moving house, erratic styles of child care and so on. But

superimposed on this has been the instability of placements, of staff, of administrative arrangements and of funding - all this despite the enthusiasm for permanence. This has raised the question discussed in an influential article, 'Can the corporate state parent?' The conclusion was that it can with difficulty if certain conditions are in place<sup>li</sup>. These include an auspicious context supported by legislation that helps services meet the needs of a very diverse group of children, acceptance of responsibility for supporting them while they are in care and after leaving, better integration between national and local policies based on common values and principles and the delivery of high quality care. But the other side of the coin is that some things do need to be changed – poor staff, inadequate carers, misconceived policies and children's behaviour. The enduring problem has been to strike the best balance between change and continuity, neither sticking to what doesn't work nor introducing change for the sake of it or as a short-term political or professional convenience.

*A comparison between the placements of children in care in 1980 and in 2010*

128. Two recent articles have compared the situation of children in care in 1980 and 2010. They portray a mixed picture. There have undoubtedly been some dramatic changes in services but other issues persist, despite the attention devoted to solving them.
129. Professor Roy Parker identified the main changes between then and now as: fewer children in care (100,000 to 70,000 in England<sup>lii</sup>, although the number has risen from 60,000 in the past ten years), a higher proportion in foster care (35% to 73%), a rise in the number of adoptions from care (1,600 to 3,500) and fall in the proportion of adoptions from care involving children under the age of one (23% to 2%), a decline in the role of voluntary organisations serving children and a virtual disappearance of their care contribution, the disappearance of offending as a reason for admission, an increase in the category 'neglect and abuse' as a reason (21% to 61%), a fall in the number of children on care orders (45,000 to 38,000) but a rise in the proportion that these children form of the total care population (45% to 58%), a rise in the number and proportion of children from ethnic minority groups (figures for 1980 not available, but 27% now classified as 'non-white') and the arrival of new groups, such as asylum seekers. He argues that these changes not only reflect policies and alternative provision, but also changes in the wider society - more divorce, single parent families and youth unemployment - as well as growing inequalities.
130. Parker also notes much of what has been discussed earlier in this paper: the rise of pressure groups and independent inquiries, the growth of research, the emphasis on prevention, the attention paid to children's wishes and feelings, the tightening of administration with time requirements for reviews and decisions, and greater awareness of outcomes and costs.
131. But some things have not changed. Parker notes that we are still unsure about how to tackle poor parenting. Continuities also occur in the ratio of boy to girls in care (55%:45%), the difficulties faced by care leavers and the number

of placement changes while in care. The rates of children in care per 1,000 under 18s in the local population have remained remarkably stable given all the changes in policy and external circumstances as do the differences in rates between local authorities that cannot be fully explained by demographic, social or economic factors.

132. A second study by Bullock and Blower<sup>liii</sup> looked at the placements of 450 children entering care in sequence in England and Wales in 1980 and in 2010. In 2010, a higher proportion of children entering care were under the age of one than in 1980 (21% compared with 11%) and more were admitted because of abuse or neglect (48% compared with 26%). Consequently, fewer came into care because of behaviour difficulties (17% compared with 25%) or family breakdown (35% compared with 49%).
133. But as was the case in Parker's study, not everything has changed for the better. The number of placement changes experienced by children while in care has stayed fairly constant and has only declined over the thirty years in question for those in care for two years (from 77% having at least one move to 62%), with an increase from 19% to 27% in the rate for those in care for less than six months. More concerning was the finding that the percentage of children experiencing more than three moves rose for both groups (from 3% to 9% for the short-stay children and from 9% to 10% for those staying longer).
134. The most startling contrast, however, is the demise of residential care. This echoes what was noted earlier about its diminishing role and the figures for 2010 confirm this point. In England, there are currently 30,000 fewer children in residential care than in 1980. The proportion of first placements in residential settings was 46% in 1980 (21% in observation and assessment centres) compared with only 2% in 2010. The rates for foster care rose from 42% to 75% respectively. Three quarters of all the placements experienced by children in care for two years in 1980 were in residential establishments compared with 2% in 2010.
135. As to the quality of residential care and revelations of abuse, particularly at Haut de la Garenne, set off the Jersey inquiry, two appendices are attached to explain what has happened and why with regard to residential care for children in the England and Wales. What is interesting about Jersey, however, is that in their 1980 report, the social services inspectors from England directed 20 of their 99 recommendations to Haut de la Garenne compared with only 11 on the whole fostering service. They recommended replacing the institution but failing that, radical changes to reception procedures, unit sizes, redefinition of staff roles, in-service training, home comforts, meals prepared in units, leisure facilities, better reviewing of children's progress and the development of alternatives for long-stay children.

## Conclusion

136. This paper has charted the main changes in legislation and practice in the UK since 1945. It has done this chronologically by looking at each Act and discussing the reasons for its implementation and the underlying principles

that justified it. It then looked at trends in child care provision and highlighted nine areas where the changes have been significant. In each of these discussions an attempt has been made to compare the situation in Jersey with what has happened in the UK. To illustrate these, a final comparison was made between the children entering care in England 1980 and in 2010.

137. The themes emerging from the various inquiries and development exercises in Jersey have much in common with the UK and subsequent scrutiny suggests that services are moving in the same direction with regard to legislation, guidance and management. However, as outsiders and non-lawyers, we would make the following observations on some of the key objectives, conclusions and recommendations that have regularly featured in inspection reports and policy documents and where there appears to be some need for further development.

### **Key objectives**

*The looked- after system is not isolated from the rest of children's services*

138. There are attempts to introduce a continuum of services and use care positively to meet a variety of needs and situations. However, most of the background papers are about management with little reference to who does what, to whom, for how long with what effect. Thus, it is difficult to know what services are actually like for those who receive them. We did not get a sense of an overall vision of a comprehensive service and the role that interventions like residential care make within it.

*The whole service is needs-led and evidence based*

139. The lack of information about children in need and those who come into care, as well as the outcomes of what is done, make it difficult to comment. The management plans are clear but have to be related more closely to outcome evidence to provide a sense of whether the service is any good. For example, there is no mention of validated programmes and methodologies that might help.

*All assessment and decisions should be focused on outcomes*

140. As we could not find any detail on individual cases and how decisions have been made, it is not possible to answer this question. It may happen but there does not seem to be much official requirement for it to be done.

*Services should form a logical and integrated continuum with a single referral point, a single multi-disciplinary assessment and clear thresholds for the application of each service*

141. There is little mention in the documents scrutinised of how services fit together or how children qualify to receive them.

*A context should be created that supports an integrated team approach and a proper balance between investigation and help; and between prevention early intervention, treatment and diminished recurrence*

142. An integrated team system seems to be developing and there are aspirations for a more balanced approach to children and families, but family support is hardly mentioned as a social work method and examples of prevention and early intervention are scant.

*The views of children and families should be ascertained and incorporated into plans and the delivery of services*

143. Considerable progress has been made in listening to children, but perhaps less so to families. There are aspirations to incorporate them into the delivery of services but no evidence is provided about whether this has happened.

*There should be monitoring or even research to check that the match between needs, services and outcomes is optimal and cost effective.*

144. There is a serious deficiency here with little evidence available on what is happening and with what effect, the expressed wish to match needs and services better is welcome but not illustrated in the documents reviewed.

### **Final comment**

145. These observations on Jersey Children's Services Department are inevitably limited and one-sided in that they have been informed by a small amount of information and without knowledge of what services are available and what day-to-day practice is like. Nevertheless, what material has been provided suggests that the Department is moving more closely to the UK pattern and seeking improvements to become more effective. The recent legislation, guidance, inspection reports and strategic plans indicate this. Two lawyers who have recently scrutinised child care law in Jersey reach a similar conclusion in that although progress has been slower than in the UK, progress has been made. Nevertheless, they stress that there is room for improvement with regard to listening to and incorporating children's views, strengthening arrangements for their independent representation in legal proceedings and ensuring that any interventions essential to children's welfare are not denied because of cost<sup>liv</sup>. In her article of 2009, Barbara Corbett writes that since 2005 'child law in Jersey has largely followed the English Children Act 1989. Nevertheless, certain areas have been slower to develop in Jersey but this is now changing with very significant developments in child law having taken place over the last year'.

146. However, the papers we have read are mostly about good management, which is a necessary but not a sufficient condition for change. They are also framed in such general terms that no one could disagree with what is being proposed, hence there are few glaring contradictions or weaknesses and so no accompanying dialogue. It appears that there is a more to be done before the Department becomes 'state-of-the-art'.



147. Finally, we were expecting, given Jersey’s location and history, to encounter more French influence. Compared with England, France has a different system of child protection and education and is less hesitant to use residential care<sup>lv</sup>. Also, the philosophy of pedagogy and the holistic approach to child development it encourages are important forces shaping professional practice.

**Roger Bullock**  
**Roy Parker**

July 2014

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**Professor Roger Bullock** MA PhD was born in 1943 and studied at the Universities of Leicester and Essex. In 1965 he joined the Social Research Unit when it was based at King’s College, Cambridge. He moved from Cambridge when the Unit transferred to Dartington Hall, Devon in 1968. He was the Unit’s director from 1994 to 2003. He is also Professor Emeritus of Child Welfare Research at Bristol University. He is editor of the British Association of Adoption and Fostering Agencies (BAAF) journal *Adoption and Fostering* and a fellow of the Centre for Social Policy at the Social Research Unit, Dartington. His research into services for children and families is discussed in: N.Axford, V.Berry, M.Little and L.Morpeth (eds.) *Forty Years of Research, Policy and Practice in Children’s Services: A Festschrift for Roger Bullock*, Chichester: John Wiley and Sons, 2005.

His research career has involved studies of almost every type of residential establishment for children, such as boarding schools, children’s homes, approved schools, secure units and therapeutic communities. His other interests cover child protection, youth offending, community services and family support, as well evaluations of interventions, preventative initiatives and epidemiological surveys of the needs of children and families and the services available to them.

He has given evidence to and participated in many working parties concerned with child welfare, for example the Warner Committee, The Report of the Committee of Inquiry into the Selection, Development and Management of Staff in Children’s Homes (1992) and the Department of Health’s Support Force for Children’s Residential Care (1995). Many seminars have been convened at Dartington Hall over the years to discuss policy and practice issues in children’s services, youth justice and family law.

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1959-60 Research Officer, London School of Economics

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Prior to 1958: National Service in RAF (Egypt and Libya); child care officer then housefather in a residential establishment for vulnerable boys; teaching at boys' secondary schools; part-time lecturing on the social services to local government officers in two colleges of further education alongside research into foster care.

From 1965 additional appointments have included being the rapporteur for two United Nations conferences on social policy and author of their final reports; a member of the government's Inter-departmental Committee on the Local Authority and Allied Social Services; a member of the Milton Keynes New Town Development Corporation and chair of their social development committee; chair of the Social Policy Association (on two occasions); chair of the British Agencies for Adoption and Fostering; Scientific Advisor to the Department of Health at different times on child welfare, social security and local government; a member of the social policy committee of the Economic and Social Research Council; a member of the University Grants Committee on the social sciences; a member and chair of a number of committees of inquiry and research consultant to many research projects, for example, for the National Children's Bureau; the Thomas Coram Research Unit; the County Council's Association and the Institute of Psychiatry. I was also the director of studies for three years for the Department of Health and Social Security's summer schools for their senior staff.

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### **A personal note on working in residential care in the second half of the 1950s**

With respect to my time working in a boys’ home I can add a few things. I was there for about a year in the second half of the 1950s. It was a local authority home run by the Children’s Department. There were usually about 15-20 boys ranging from eight to 16-17. There were just three live-in staff including me although domestic staff came in on a part-time daily basis. One of the attractions of the post was that it came with rent-free accommodation (a flat on the premises) at a time when we were starting a family (two young children already) and were hard-pressed for money. However, the salary was low.

I was never aware of any major abuse of the boys, either by the master or matron (a married couple out of the old public assistance system) or amongst the boys themselves although the regime was rough and ready. The boys had what today would be called learning difficulties but with other problems superimposed; for instance, partial sightedness, day and night soiling, bed-wetting, illiteracy, hearing problems and so on. Looking back the Home was the last resort for boys whose problems had not been adequately dealt with and whose former placements had failed. There was one black lad (8 year old) but there seemed to be no racial jibes or harassment by the other boys.

Visitors were few and far between. I cannot recall a parent or a social worker visiting but one Home Office inspectors did spend the best part of a day there. I never saw his report but nothing seemed to change thereafter. There was little turnover – pretty well the same boys were there when I left as when I arrived.

### **Declaration of interest**

Neither author has any personal or professional connection with or vested interest in Jersey children’s services or with the Childcare Inquiry.

Neither author is a trained lawyer.

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## APPENDIX 1

This is an edited version of the article: R.Bullock, 'Residential care' in G. Schofield and J. Simmonds (eds.) *Child Placement Handbook: Research, Policy and Practice*, London: BAAF, 2009, pp. 201-19.

### RESIDENTIAL CARE

#### The diminishing use of residential care in the UK

As residential care has been such an important part of child care provision in the UK, the diminishing use of this option over the past 30 years represents a major policy shift. It raises the question of why something that was so highly valued in the past is now so out of fashion. In the 1920s, for example, the Thomas Coram Foundation fostered children when they were young and then moved them to a boarding school out in the country, a practice that continued until the 1950s but which now seems incomprehensible.

Many reasons for the decline can be posited: some are obvious, such as rising costs, staffing difficulties, poor child outcomes and abuse scandals, but others are less clear and reflect things such as increasingly sophisticated knowledge about child development, viable alternatives and the broader developments in social work discussed in Roy Parker's introduction to the Wagner Report (Appendix 2).

Residential establishments vary in their size, regime and role but the term generally covers settings in which children are placed with other children for a least one night with the aim of meeting a welfare need and, hopefully, improving their health and development. Children spend the majority of time outside school or work in this context and there are usually no adult family members present. In addition, the number of children will usually exceed the number of staff on duty at any one time.

In 2013, 12% of the 68,110 children in care in England were living in residential homes (10%), schools (1%) or other types of establishment (1%) but the overall figures can give a misleading picture. Although the proportion of all the looked after children living residentially is 12%, they are mostly adolescents and the proportion for the 10-18 age group will be higher, nearer 20%, compared with around 2% for those aged under 11. The relationship between residential care with other services also needs to be considered. For example, in 2009 there were nearly 3,000 young people under 18 in prison department custody who in former years would have been in residential homes and schools. So, it appeared that the decline in the use of residential care for looked after children had led to increased use of prison custody, suggesting a process of one system offloading cases onto another. But since 2010, the number of entrants to youth custody has also fallen, by as much as 55%, questioning this off-loading hypothesis and warning of the dangers of generalising from circumstances prevailing at one particular time.

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### *Classifying residential care*

There have been several attempts to classify the plethora of provision into discrete categories. One, made by Beedell in 1970, identified at least eleven distinct functions - physical care, safety, control, education, relationships, stability, relief to the wider child care system, shelter, containment, assessment and group work. Another, by Berridge (1985), found that the main functions of the children's homes he studied in the 1980s were aiding reception to care, controlling difficult adolescents, caring for groups of siblings, rehabilitating long-stay children and dealing with the aftermath of placement breakdowns.

The most rigorous classification of British and North American establishments for children is that by the Chapin Hall Center for Children in the University of Chicago. (Chipenda-Dansokho et al., 2003). They identified three dimensions that, independent of one another, appeared to differentiate residential provision most sharply. (Other dimensions were significant but were closely related to the three identified).

They conclude that residential provision can be divided according to: the needs of the children being met; the organisational structure used to make the provision and the extent and nature of parental involvement and autonomy.

A five-fold typology of establishments emerged:

1. Facilities that are primarily focused on providing high quality education and less pre-occupied with students' health and behavioural needs.
2. Facilities that provide an enriched educational experience but also address children's psychological and behavioural needs to meet these ends.
3. Facilities focused on meeting an identified cognitive or educational deficit in children's development. Since such deficits frequently have their origins in family dysfunction and/or are manifest in poor behaviour of the child, the placement demands considerable specialist resources.
4. Facilities for children with a mixture of social, psychological and behavioural needs and who are generally educated in ordinary schools. The placement tends to be short and part of a range of provision focused on several family members, not just the child.
5. Facilities for children with serious psychological needs and behavioural problems that overshadow other developmental goals, including education. Some of these placements are secure.

Using this classification, it is clear from what has been said so far that residential care for looked after children in the UK falls mostly in categories 3-5.

### *Trends in residential child care*

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In addition to the considerable decline in the use of residential care for looked after children in the UK over the past 30 years, other trends have been identified within the residential sector. In 1996, Gooch identified these as:

- the replacement of single-sex establishments by ones that are co-educational but which, in practice, are dominated by boys
- the increasing age of residents at entry
- more young people with health problems, behaviour disorders and disabilities
- greater racial and ethnic mix
- larger catchments areas, raising problems for educational continuity and contact with home
- more provision by private agencies
- less specialisation by sector with a resulting mix of needs in each establishment
- assessment by need criteria rather than social role categories, such as disabled or special educational needs
- a more generalist service
- shorter stays
- rising cost
- more concerns about rights and protection; and
- further reductions in the size of units and in the numbers accommodated by the system but a larger proportion of the total places in secure accommodation or other specialist centres.

Naturally, the factors that explain changes in the use of private boarding schools, establishments for children with special educational needs or penal institutions may be different from those that affect child care establishments but in all of these sectors the important point is that viable alternatives have been created, even for persistent offenders and highly disruptive adolescents,

Three perspectives can be usefully applied to residential care to help understand the whole picture: the first looks at its role and function in the overall child care system; the second looks at its effects on children; and the third explores what needs to be done to make it work.

*(i) Residential care as part of the wider child care system*

Evidence from research in this area (Department of Health, 1998) suggests that residence is used differently for different children. It is a first placement for many adolescents coming into care because of family tensions and difficult behaviour but a later choice for children whose foster care placements have disrupted or who present increasingly severe needs, often associated with earlier trauma and abuse. Thus, residential care plays a different role in different areas of a child's life at different times.

These studies reveal two seeming contrasts. The first is that the majority of young people in residence are difficult adolescents in terms of their challenging

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behaviour at home, school and in the community. The second is that only a small proportion of all looked after adolescents who display challenging behaviour are placed residentially.

When the needs of the resident children are scrutinised, it is clear that the main reason for choosing residential care nowadays is to control or improve difficult or disturbed behaviour and that most of the other functions suggested by Beedell and Berridge, such as aiding admissions or keeping siblings together, no longer apply. However, these difficulties do not occur in isolation and affect other areas of children's lives, such as poor peer relationships or suspicion of professionals, and may be associated with special educational needs, making the residential task wider than just ensuring control.

Compared with other looked after children, however, the aforementioned studies found that the harm inflicted by parents on the children placed residentially is, with some notable exceptions, less of an issue than in foster care and when it has occurred tends to be emotional and sexual rather than physical. Levels of neglect are also lower and in some cases it was parents at the end of their tether who first approached Children's Services. However, other family difficulties prevail, for example many young people will come from disrupted and reconstituted families and parents with a chronic mental health problem.

#### *Out of area placements*

One issue facing professionals placing children residentially is whether to use the local authority's own facilities or purchase places from voluntary or independent providers. This latter group are known as 'out of area' placements, which is a misleading term because purchased placements can often be local. It is more accurate to perceive them as externally purchased. As these add an extra cost to budgets, they are a highly visible item of expenditure and thus subject to wide scrutiny.

A study of 'out of area' placements (Bullock, 2009) found that they are used for four different groups of looked after children, namely: children presenting severe and complex behavioural problems which have exhausted in-house services; children displaying behavioural difficulties and who are at continuing risk of harm; children in need of specialist therapy, especially for sexual abuse; and disabled children whose needs cannot be met locally. Moreover, they are much more used for boys and girls (although the ratio differs across the four groups).

The benefits of external placements have to be balanced against the secondary problems they create for children and families and the risk of being 'out of sight, out of mind'. Many external placements are a long way from the child's home their contact with their birth relatives is infrequent. Often, there are no clear plans for the future other than to stay put. Naturally, as the young people are mostly adolescents, they often form new friendships and emotional relationships in their new area, making return home difficult. While this experience is common

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for students going to college at 18, there is a danger that a changing perception of 'home area' will affect looked after young people at an earlier age, without the supports and status that student life brings.

*(ii) Effects of residential care*

A good care plan for a child should specify expectations about what a residential placement is likely to achieve. But as the young people being admitted are often unsettled and distressed, because of turbulence at home or disruption to foster care, some initial expectations might have to be pragmatic, such as to provide safety and stability. The aims of the residential sojourn will, therefore, be a mixture of immediate benefits and, hopefully, improvement in the child's long-term situation.

Because of this complexity, it is difficult to identify any general effects of residential care as the intervention covers such a wide range of approaches and the evidence that would be necessary to show this, namely a set of randomised controlled trials, is scant. Nevertheless, claims are made in the literature but these are often based on case studies and tend to generalise from one type of provision or particular group of children to the whole child care field. Moreover, there is a further danger of attributing to residential care defects of the care system as a whole.

To clarify the situation, it is useful to differentiate 'procedural' from 'treatment' approaches (Clough et al., 2006). The first stresses good child care practice at the expense of aims and so focuses on making the establishments nice places to live. While this provision does not offer specialist therapy and, as had been shown, control is often the overriding concern, it should nevertheless provide an auspicious context for the work required to meet children's needs, such as improving their behaviour and family relationships, encouraging positive peer interaction and boosting self-esteem.

Second, are 'treatment' approaches, for example those based on special education, behaviour modification or psycho-social models, that fashion regimes and structures to 'treat' assessed problems, such as attachment, conduct and emotional disorders, anti-social behaviour and learning difficulties. While therapies will differ for individual children, the important feature is that the whole regime is conducive to their application and is staffed and structured to that end.

Many other opportunities are offered by residential care, for instance the use of residential groups for therapeutic work, rehabilitative work with children rejected by their families and, of course, the imposition of control, such as for those in secure units.

So what might be expected from a residential experience? Traditionally, it has been suggested, but it has to be said without evidence that attains the status of a clinical trial, that residential care can offer several benefits. These are: to provide



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stability and a stimulating environment, to widen cultural and educational horizons, to create a framework for emotionally secure relationships with adults and to provide a setting for intensive therapeutic work. But these gains have to be set against difficulties of providing unconditional love, constraints on children's emotional development, poor staff continuity and marginalisation of children's families and other welfare services. While much is known about the dangers of placing young children in residential care and the neurological and emotional damage it can inflict, much less is known about the effects of such placements on the development of older children.

But two outcomes are more certain, namely that residential care can have a profound effect, for good or bad, on children while they are there and that regimes based on child welfare principles achieve better results than those that do not. Numerous studies have compared changes in the lives of children placed in different types of establishment and found that the incidence of such things as running away and of violent behaviour varies and that these contrasts are not explained by young people's background characteristics, although it is usually unclear whether similar gains would have been made without residential placement. The problem is, however, that benefits rarely carry over or are much reduced after leaving and the long-term effects of residential care have proved difficult to identify. Nevertheless, while there is much less difference in young people's difficult behaviour after leaving, the pattern of good and bad homes is usually maintained, whatever the type of establishment, suggesting that the influence on young people's potentially damaging behaviour while they are resident is mirrored by a smaller but still significant effect on behaviour after departure (Sinclair and Gibbs, 1996).

While long-term outcomes are easy to describe, they are more difficult to explain. For example, follow-up research suggests that some children who are challenging and unsettled while in residential care do quite well in the longer term - some acting out girls for example - while others who are more quiescent, such as withdrawn institutionalised boys, generally fare badly, drifting into homelessness and recidivism (Bullock et al., 1998). Whether this is due to the long-term nature of the children's problems or the differential impact of a residential experience, it is hard to say.

Given these uncertainties, any conclusions about the benefits of residential care will be contentious but some establishments claim success in overcoming its alleged weaknesses (Rose, 1990, 1997; Ward et al., 2003). This occurs, for example, in response to the criticism of failing to provide unconditional love. Follow-up studies of leavers from long-stay residential treatment units, particularly therapeutic communities and those which provide for learning-disabled adults, indicate a model of 'quasi-institutional adoption' and although only a minority of leavers receive such enduring support, the long-term outcomes for those who do are encouraging (Little & Kelly, 1995; Bullock et al., 1998). However, critics argue that the numbers of children benefiting is probably smaller than claimed and the high costs of such provision are making this option increasingly unrealistic.

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Of the various studies of residential care undertaken, Whitaker and colleagues (1998) are the most optimistic about residential care. They conclude that, although there is no list of circumstances under which residential care should be a preferred option, there are occasions when it can be helpful. These are:

- when there is a deficit in attachment forming capacity and a young person can benefit from having available a range of carers;
- when a young person has a history of having abused other children;
- when a young person feels threatened by the prospect of living in a family or needs respite from it;
- when multiple potential adult attachment figures might forestall a young person from emotionally abandoning his or her own parents;
- when the emotional load of caring for a very disturbed or chaotic young person is best distributed among a number of carers; and
- when the young person prefers residential care to any form of family care, and would sabotage this if it were provided.

In a later research review, however, Rushton and Minnis (2002) are less convinced. They express concern that staff in residential homes have no training or contact with child and adolescent mental health services (CAMHS) to help them deal with the problems they face. They suggest that all of the treatments offered to troubled and troublesome teenagers can be delivered in foster care where there is less likelihood of bullying, sexual harassment and delinquent cultures. In contrast to Whitaker, they argue that when children have attachment difficulties, therapeutic foster care seems preferable. But given the control difficulties that some young people present, there is probably a need for a small number of high quality residential establishments for children who cannot be accommodated any other way or for whom there is a policy to keep them out of prison.

The children's views provide a useful indication. Much of the discussion in children's accounts of being looked after focuses on relationships, whether between children and staff or among peers and how important and empowered they feel when their views are taken seriously. A novel attempt to combine the child's view of residential life with statistical research evidence on outcomes is found in *A Life without Problems: The Achievements of a Therapeutic Community* (Little and Kelly, 1995) in which the findings are informed by a juxtaposition of quantitative evidence on children's care careers and qualitative material from a teenage girl's diary.

When asked for their views, children are often complimentary about residential care, at least in its modern version, stressing the care and attention they receive. But, again, there is a problem of interpretation in that Sinclair and colleagues (1998) found that life after a favourable experience was often wretched and its poor quality meant that there was only a weak correlation between a good residential experience and happiness thereafter. Some young people find the contrast between the caring home and the uncaring community too much to handle. Obviously, a child needs to feel safe and be happy while looked after, but this must not be at the expense of longer-term misery and isolation.

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(iii) *Residential establishments as organisations*

When the child's needs have been assessed and a residential placement identified, how can professionals decide whether the establishment is any good?

When looking at residential establishments for children, the immediate reference points are the surface features, such as the style of leadership, the fabric and resources. Judgements about quality are often reached from immediate experiences, initial conversations with staff or the visible responses of the children. It is easy to assume that the most important aspects are either the people or the regime and that, if these elements are right, all will be well. But a stream of research into this area has revealed a more complicated situation.

Certainly, individuals, whether an efficient manager or an unruly adolescent, are important in affecting what happens in a home or school but they are not enough to explain everything. Successful managers in one context often fail elsewhere and establishments vary in their capability to help young people (Hicks et al., 2003). Some features that common sense might associate with a good home have been found to be relatively insignificant - the quality of buildings, the proportion of trained staff, the characteristics of the children, for example, are not sufficient *on their own* to produce good results.

What aspects of residential settings have been found to be associated with good quality care and optimal outcomes for children and families?

While residential homes have many aspects that can be easily differentiated, such as buildings or staff roles, there is something more than the sum of the parts that seems to be important in determining what happens therein. Many writers have used terms such as 'culture' or 'ethos' to describe this. It is precisely these feelings and messages that a visitor picks up. They may be long standing, such as when there is a traditional way of doing things or may be a product of stress or boredom. These cultures have been shown directly to affect the behaviour of children and staff, not just in terms of conformity or deviance but also in shaping attitudes. However, as the precise nature and direction of the association has been difficult to determine, the principal message for managers was to ensure that cultures did not cohere in a negative and destructive way. But, even then, homes seemingly well planned from the start have failed to succeed.

Several studies have helped us understand better how residential establishments work: *Working in Children's Homes: Challenges and Complexities* (Whitaker et al, 1998); *Children's Homes: A Study in Diversity* (Sinclair and Gibbs, 1998) and *Making Residential Care Work: Structure and Culture in Children's Homes* (Brown et al, 1998) The first takes a relatively unusual starting point of the experiences of staff; the second analyses the factors that predict optimal outcomes and the third looks at the relationship between staff and child cultures to unravel precisely what causes what.

All three studies reach similar conclusions although they express them in different ways. In general terms there has to be a complementary relationship

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between: the needs and wishes of the children, what the home or school tries to do and how it is resourced and structured to do this, a belief among staff that the aims are feasible and that they have been given sufficient responsibility to undertake the work. Moreover, all of these have to be pursued in a child welfare context and a wider ethos of corporate parenting in the responsible agencies.

Naturally, many factors generate these conditions and among those identified are: the rate of turnover; admissions policy; mix of children with regard to needs; ethnicity and gender. There are also indications of what leads to good outcomes. Sinclair and Gibbs (1998), for example, concluded that homes did best if they were small; the head of the home felt that his or her role was clear, mutually compatible, not disturbed by reorganisation and that he or she had autonomy; and, that staff agreed on how the home should be run. Other researchers have emphasised the quality of staff-child relationships, stressing listening, informality, availability, sensitivity, being informed, respect and an ability to offer practical help.

Although the importance of individual factors, for example the size of home, might be argued, there is little doubt that if these conditions are in place, the establishments are not only likely to achieve better outcomes but are also more likely to satisfy children's wishes. Sinclair and colleagues found that young people judged homes according to whether they wanted to be there, whether there was a purpose to their stay, whether they moved on at the right time and the quality of life on leaving. Even though a third of them wanted to be somewhere else, they appreciated homes if they were not bullied, sexually harassed or led into trouble, if staff listened, the regime was benign and the other children friendly and if they showed some tangible improvement, such as in education. Most wanted contact with their families but not necessarily to live with them. Individual misery was associated with sexual harassment, bullying, missing family and friends, poor relations with other residents and lack of success in esteemed roles such as sport.

### *Conclusions*

The studies discussed all emphasise that when children are looked after, there is a danger that deficiencies in the care placements will exacerbate the deprivation and harm that necessitated the initial separation from family. Residential care is no exception. A child doing badly in residential care needs a good quality intervention, not transfer to another poor quality home. System neglect, whereby the needs of children remain unmet, is less obvious than physical or sexual abuse but is no less dangerous. So, what message do researchers offer to those placing children?

Three general messages are indicated. They are:

- There is limited value in looking at residential establishments in isolation. There might be organisational changes to improve situations, such as better record keeping or more effective communication, but these are unlikely to be sufficient to guarantee high standards;

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- there has to be an initial understanding of the needs of the children being looked after. This is not always the case, resulting in opinionated generalisations about children's situations and limited action in areas such as health, education and work with families;
  - there has to be awareness that residence is only one of several means of meeting the child's needs and an understanding of how it contributes to meeting the needs of a particular child. These two points should be reflected in the services provided and the care plans fashioned.

In addition, some shifts in thinking would be helpful. For service managers, two mind-sets need to be challenged. First, is the tendency to view residential care as a last resort, as something to fall back on when other interventions fail. The second is to provide residential facilities but then put in place services to keep children out of it. Residence is a method of social care and should be used as such, so arguments 'for' or 'against' it are absurd. In some instances it is needed, in others it is irrelevant.

For practitioners, two aspects of matching interventions to children's needs are important. First is what actually happens in residential care and, second, what a residential experience adds to a child's welfare. There are few interventions specific to particular care settings, although opportunities may be greater in some contexts than others. In this respect residential care is no different to foster care or living at home.

For the reasons explained, specific effects of residence are claimed but not proven but it does seem to be helpful in two situations. The first is for adolescents whose challenging behaviour at home, school and in the community requires placement in a supportive but emotionally undemanding setting, staffed by experienced people. This should encourage continuities in the young person's social life, education and employment and those family and peer relationships that he or she wishes to pursue. Stays should be short and there should a clear exit strategy. The difference between this and a foster home is in the roles of staff, the relationship demands made on the young person, the availability of a peer group and the capacity of the establishment to contain the effects of difficult behaviour and prevent status deterioration. From the point of view of the child's living experience, however, it may not be obviously different from a large foster family.

The second is when there is a need for specialised therapy or treatment, either within the residential establishment or outside it. In these situations, what matters is that style and ethos of the residential setting support what is required by the treatment. For those seeking such placements, the aspects to consider are: the value of the group of residents; the availability of a number of adults and freedom to choose with whom to make relationships; the undemanding emotional nature of the ambience that gives the young person choice and power; an environment that ensures safety, supervision and control and an active stimulating programme. It might be possible to achieve equally good outcomes in

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foster care or with support at home, but for some individuals and in some situations it is not.

The responsibility of those managing residential establishments is to ensure that the 'culture' of the unit is positive. Congregating difficult adolescents creates potential problems and the studies of children's homes have all found places dominated by crime, bullying, drugs and prostitution, and staff who turned a blind eye to such behaviour.

Finally, service managers cannot ignore the wider population of children in need as the amount and type of residential provision will be affected by broader policies, such as sending young offenders to prison and willingness to accommodate troubled and troublesome teenagers. Good quality residential care can exist within a system of poor adolescent services, and may unwittingly support it.

#### *The future of residential care in the United Kingdom*

The future thrust in children's services in the United Kingdom will be on prevention and early intervention and not residential care. Initiatives are being introduced to identify children at risk and act accordingly, preferably by providing help in family and home community settings. For those in out of home care, there is also a move to speedier permanency. This most certainly means quicker family reunions for some and more adoptions for younger children unable to return home. Neither is there a group of young children who need to be taken out of residential care, as is the case in some other developed countries (Browne et al., 2005)

In such a context, residential care is likely to continue to play a small but significant role in children's services. But, because of expense, alleged ineffectiveness and difficulties of staffing, it will continually be replaced by foster care that is increasingly able to provide for children who are difficult to place. However, there will be a limit to what is possible, and there is a risk that difficult cases will be diverted more readily to the criminal justice system or turned away altogether rather than offered a residential placement. There will almost certainly be a growth in private residential facilities as local authorities find it difficult to make their own provision. Similarly, some specialist fostering arrangements may become more quasi-residential groups than traditional family settings, thus breaking down traditional boundaries between different types of service.

The main criteria for entry to residential care will remain difficult behaviour, especially dangers to self and others and a need for specialised services. There is no reason to believe that the size of this population will decline as psychological disturbance among juveniles is growing in the United Kingdom (Maughan, 2005); so new provision may struggle to maintain the status quo. But financial constraints will mean little growth in expensive psycho-therapeutic facilities. If there are to be regime changes, they are likely to emphasise flexibility with other

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living arrangements, education, social skills and employment. Neither should the pragmatic constraints on reducing residential provision be underestimated. It may prove just as difficult to recruit specialist foster carers as it is residential workers.

The starting point of any planning, whether for systems or for individual children, is the needs of the young person and what is deemed necessary to meet them. The first question to be asked, therefore, is what does the young person and his or her family need? Does he or she need residential care, and if so what for, of what type, for how long and with what else? For those qualifying, the next question is what regime and treatment approaches are shown by research to be the most effective for meeting those needs? To answer this properly, we need a yet undeveloped validated taxonomy of need and robust evidence on the outcomes of interventions for children with similar needs. However, the research that has been discussed offers some pointers. While considerable effort may be needed to implement its suggestions, the benefits of providing residential care as part of a comprehensive service for children in need should be apparent in improved outcomes for children and enhanced job satisfaction among staff.

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## **APPENDIX 2**

The Wagner Report 1988: *Residential Care: A Positive Choice*

Volume: I. Sinclair (ed.) *Residential Care: The Research Reviewed*

Chapter: *Children* by R.A. Parker pp. 57-124

As this had to be scanned from a book, this is attached to this report as a separate pdf file. The layout and print size might may need reformatting.

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### **APPENDIX 3**

The legislation, guidance, rules and regulations relevant to the Jersey Child Care Inquiry.

## **Terms of Reference, as approved by the States of Jersey on 6th March 2013**

The Committee of Inquiry (“the Committee”) is asked to do the following –

1. Establish the type and nature of children’s homes and fostering services in Jersey in the period under review, that is the post-war period, with a particular focus on the period after 1960. Consider (in general terms) why children were placed and maintained in these services.
2. Determine the organisation (including recruitment and supervision of staff), management, governance and culture of children’s homes and any other establishments caring for children, run by the States and in other non-States run establishments providing for children, where abuse has been alleged, in the period under review and consider whether these aspects of these establishments were adequate.
3. Examine the political and other oversight of children’s homes and fostering services and other establishments run by the States with a particular focus on oversight by the various Education Committees between 1960 and 1995, by the various Health and Social Services Committees between 1996 and 2005, and by ministerial government from 2006 to the current day.
4. Examine the political and societal environment during the period under review and its effect on the oversight of children’s homes, fostering services and other establishments run by the States, on the reporting or non-reporting of abuse within or outside such organisations, on the response to those reports of abuse by all agencies and by the public, on the eventual police and any other investigations, and on the eventual outcomes.
5. Establish a chronology of significant changes in childcare practice and policy during the period under review, with reference to Jersey and the UK in order to identify the social and professional norms under which the services in Jersey operated throughout the period under review.
6. Take into account the independent investigations and reports conducted in response to the concerns raised in 2007, and any relevant information that has come to light during the development and progression of the Redress Scheme.
7. Consider the experiences of those witnesses who suffered abuse or believe that they suffered abuse, and hear from staff who worked in these services, together with any other relevant witnesses. It will be for the Committee to determine, by balancing the interests of justice and the public interest against the presumption of openness, whether, and to what extent, all or any of the evidence given to it should be given in private. The Committee, in accordance with Standing Order 147(2), will have the power to conduct hearings in private if the Chairman and members consider this to be appropriate.

8. Identify how and by what means concerns about abuse were raised and how, and to whom, they were reported. Establish whether systems existed to allow children and others to raise concerns and safeguard their wellbeing, whether these systems were adequate, and any failings they had.
9. Review the actions of the agencies of the government, the justice system and politicians during the period under review, in particular when concerns came to light about child abuse and establish what, if any, lessons are to be learned.
10. Consider how the Education and Health and Social Services Departments dealt with concerns about alleged abuse, what action they took, whether these actions were in line with the policies and procedures of the day, and whether those policies and procedures were adequate.
11. Establish whether, where abuse was suspected, it was reported to the appropriate bodies, including the States of Jersey Police; what action was taken by persons or entities including the police, and whether this was in line with policies and procedures of the day and whether those policies and procedures were adequate.
12. Determine whether the concerns in 2007 were sufficient to justify the States of Jersey Police setting in train 'Operation Rectangle'.
13. Establish the process by which files were submitted by the States of Jersey Police to the prosecuting authorities for consideration, and establish –
  - Whether those responsible for deciding on which cases to prosecute took a professional approach;
  - Whether the process was free from political or other interference at any level.

If, for these purposes, or as a result of evidence given under paragraph 7, in the opinion of the Chairman of the Committee, it would be of assistance that one or more of the prosecution files underpinning any prosecution decision may be examined in a manner to be determined by the Committee.
14. Set out what lessons can be learned for the current system of residential and foster care services in Jersey and for third party providers of services for children and young people in the Island.
15. Report on any other issues arising during the Inquiry considered to be relevant to the past safety of children in residential or foster care and other establishments run by the States, and whether these issues affect the safety of children in the future.

# Children and Young Persons Act, 1933.

[23 GEO. 5. CH. 12.]

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## ARRANGEMENT OF SECTIONS.

A.D. 1933.

### PART I.

#### PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.

##### *Offences.*

##### Section

1. Cruelty to persons under sixteen.
2. Causing or encouraging seduction or prostitution of girl under sixteen.
3. Allowing persons under sixteen to be in brothels.
4. Causing or allowing persons under sixteen to be used for begging.
5. Giving intoxicating liquor to children under five.
6. Causing or allowing children to be in bars of licensed premises.
7. Sale of tobacco, &c., to persons under sixteen.
8. Taking pawns from persons under fourteen.
9. Purchase of old metals from persons under sixteen.
10. Vagrants preventing children from receiving education.
11. Exposing children under seven to risk of burning.
12. Failing to provide for safety of children at entertainments.

##### *Special Provisions as to Prosecutions for Offences specified in First Schedule.*

13. Power to take offenders into custody.
14. Mode of charging offences and limitation of time.
15. Evidence of husband or wife of accused person.

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A.D. 1933.

*Supplemental.*

Section.

16. Application of Vexatious Indictments Act, 22 & 23 Vict. c. 17.
17. Interpretation of Part I.

## PART II.

## EMPLOYMENT.

*General Provisions as to Employment.*

18. Restrictions on employment of children.
19. Power of local authority to make byelaws with respect to employment of persons under eighteen other than children.
20. Street trading.
21. Penalties and legal proceedings in respect of general provisions as to employment.

*Entertainments and Performances.*

22. Restrictions on children taking part in entertainments.
23. Prohibition against persons under sixteen taking part in performances endangering life or limb.
24. Restrictions on training for performances of a dangerous nature.

*Employment Abroad.*

25. Restrictions on persons under eighteen going abroad for the purpose of performing for profit.
26. Punishment of contraventions of last foregoing section and proceedings with respect thereto.

*Supplemental.*

27. Byelaws.
28. Powers of entry.
29. Savings.
30. Interpretation of Part II.

## PART III.

A.D. 1933.  

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PROTECTION OF CHILDREN AND YOUNG PERSONS IN  
RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.*General Provisions as to Preliminary Proceedings.*

## Section.

31. Separation of children and young persons from adults in police stations, courts, &c.
32. Bail or detention of children and young persons arrested.
33. Remand or committal to custody in remand homes.
34. Attendance at court of parent of child or young person charged with an offence, &c.
35. Notice to local authority of charges against and applications relating to children and young persons.

*General Provisions as to Proceedings in Court.*

36. Prohibition against children being present in court during the trial of other persons.
37. Power to clear court while child or young person is giving evidence in certain cases.
38. Evidence of child of tender years.
39. Power to prohibit publication of certain matter in newspapers.

*Special Procedure with regard to Offences specified in  
First Schedule.*

40. Warrant to search for or remove a child or young person.
41. Power to proceed with case in absence of child or young person.
42. Extension of power to take deposition of child or young person.
43. Admission of deposition of child or young person in evidence.

*Principles to be observed by all Courts in dealing with  
Children or Young Persons.*

44. General considerations.

A.D. 1933.

*Juvenile Courts.*

## Section.

45. Constitution of juvenile courts.
46. Assignment of certain matters to juvenile courts.
47. Procedure in juvenile courts.
48. Miscellaneous provisions as to powers of juvenile courts.
49. Restrictions on newspaper reports of proceedings in juvenile courts.

*Juvenile Offenders.*

50. Age of criminal responsibility.
51. Removal of disqualifications attaching to felony.
52. Restrictions on punishment of children and young persons.
53. Punishment of certain grave crimes.
54. Substitution of custody in remand home for imprisonment.
55. Power to order parent to pay fine, &c., instead of child or young person.
56. Power of other courts to remit juvenile offenders to juvenile courts.
57. Power to send juvenile offenders to approved schools or to commit them to fit persons.
58. Power of Secretary of State to send certain juvenile offenders to approved schools.
59. Miscellaneous provisions as to summary proceedings against juvenile offenders.
60. Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

*Children and Young Persons in need of Care or  
Protection.*

61. Definition of "in need of care or protection."
62. Powers of juvenile courts in respect of children and young persons in need of care or protection.
63. Powers of other courts with respect to last foregoing section.

*Refractory Children and Young Persons.*

64. Power of parent or guardian to bring child or young person before juvenile court.
65. Power of poor law authority to bring child or young person before juvenile court.



## Section.

*Supplemental.*A.D. 1933.  
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- 66. Supervision by probation officers or other persons.
- 67. Removal or remand of child or young person to place of safety.
- 68. Regard to be had to religious persuasion of person sent to approved school.
- 69. Coming into force of approved school orders.
- 70. Contents of approved school orders.
- 71. Duration of approved school orders.
- 72. Conveyance of children or young persons to approved school.
- 73. Extension of period of detention in approved schools.
- 74. Supervision and recall after expiration of order.
- 75. Provisions as to making, duration, and effect, of orders of committal to fit persons.
- 76. Committal to local and other authorities as "fit persons."

## PART IV.

REMAND HOMES, APPROVED SCHOOLS, AND PERSONS  
TO WHOSE CARE CHILDREN AND YOUNG PERSONS  
MAY BE COMMITTED.

*Remand Homes.*

- 77. Provision of remand homes by councils of counties and county boroughs.
- 78. Provisions as to custody of children and young persons in remand homes.

*Approved Schools.*

- 79. Approval of schools.
- 80. Provision of approved schools by local authorities.
- 81. Classification, administration, and management.
- 82. Escapes from approved schools, etc.
- 83. Power to send children and young persons from Scotland, Northern Ireland, Isle of Man and Channel Islands to approved schools in England.

*Fit Persons.*

- 84. General provisions as to children and young persons committed to the care of fit persons.
- 85. Escapes from care of fit persons.

A.D. 1933.

*Provisions as to Contributions towards Expenses.*

Section.

86. Contributions to be made by parents, &c., of children and young persons committed to the care of fit persons, or to approved schools.
87. Enforcement of duty of parent, &c., to make contributions.
88. Provision as to affiliation orders.
89. Miscellaneous provisions as to contribution orders.
90. Contributions by local authorities in respect of persons sent to approved schools.
91. Variation of trusts for maintenance of child or young person.

**PART V.****HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.**

92. Definition of voluntary homes.
93. Notification of particulars with respect to voluntary homes.
94. Inspection of voluntary homes.
95. Control over voluntary homes.

**PART VI.****SUPPLEMENTAL***Local Authorities.*

96. Provisions as to local authorities.
97. Modifications of last foregoing section as to City of London.
98. Institution of proceedings by local or poor law authorities.

*Supplementary Provisions as to Legal Proceedings.*

99. Presumption and determination of age.
100. Evidence of wages of defendant.
101. Application of Summary Jurisdiction Acts.
102. Appeals to quarter sessions.

*Supplementary Provisions as to Secretary of State.*

103. Power of Secretary of State to appoint inspectors.
104. Exchequer grants and expenses of Secretary of State.

*General.*A.D. 1933.  

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## Section.

- 105. Variation of Orders in Council.
- 106. Provisions as to documents, &c.
- 107. Interpretation.
- 108. Transitory provisions.
- 109. Short title, commencement, extent and repeals.

## SCHEDULES :

First Schedule.—Offences against children and young persons, with respect to which Special Provisions of this Act apply.

Second Schedule. — Constitution of Juvenile Courts.

Third Schedule.—Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

Fourth Schedule.—Provisions as to administration of approved schools and treatment of persons sent thereto.

Fifth Schedule.—Transitory provisions.

Sixth Schedule.—Enactments repealed.



## CHAPTER 12.

An Act to consolidate certain enactments relating to persons under the age of eighteen years. A.D. 1933.

[13th April 1933.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### PART I.

#### PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.

##### *Offences.*

1.—(1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour, and shall be liable—

Cruelty  
to persons  
under six-  
teen.

- (a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding two years;

A.D. 1933.

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PART I.  
—*cont.*

- (b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) For the purposes of this section—
- (a) a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the Acts relating to the relief of the poor;
- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.
- (3) A person may be convicted of an offence under this section—
- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the child or young person in question.
- (4) Upon the trial of any person who has attained the age of sixteen years and is indicted for infanticide or for the manslaughter of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

A.D. 1933.

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PART I.  
—cont.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that that sum of money was accruing or becoming payable, then—

(a) in the case of a conviction on indictment, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years; and

(b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) For the purposes of the last foregoing subsection :—

(a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and

(b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

2.—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, her, he shall be guilty of a misdemeanour

Causing or encouraging seduction or prostitution of girl under sixteen.

A.D. 1933. and shall be liable to imprisonment for any term not exceeding two years.

PART I.  
—cont.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Allowing  
persons  
under  
sixteen to be  
in brothels.

3.—(1) If any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment, or on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

48 & 49 Vict.  
c. 69.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Causing or  
allowing  
persons  
under six-  
teen to be  
used for  
begging.

4.—(1) If any person causes or procures any child or young person under the age of sixteen years or, having the custody, charge, or care of such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months.

(2) If a person having the custody, charge, or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person

charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

A.D. 1933.

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PART I.  
—cont.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

5. If any person gives, or causes to be given, to any child under the age of five years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

Giving in-  
toxicating  
liquor to  
children  
under five.

6.—(1) The holder of the licence of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises during the permitted hours.

Causing or  
allowing  
children to  
be in bars  
of licensed  
premises.

(2) If the holder of a licence acts in contravention of this section, or if any person causes, or procures, or attempts to cause or procure, any child to go to, or to be in, the bar of any licensed premises during the permitted hours, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises during the permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he had used due diligence to prevent the child from being admitted to the bar or that the child had apparently attained the age of fourteen years.

(4) Nothing in this section shall apply in the case of any child who is—

- (a) a child of the licence holder; or
- (b) resident but not employed in the licensed premises; or
- (c) in the bar of licensed premises solely for the purpose of passing to or from some other part of the premises, being a part to or from which



A.D. 1933.

PART I.  
—cont.

there is no other convenient means of access or egress and not being itself a bar; or

- (d) in any railway refreshment rooms or other premises constructed, fitted and intended to be used in good faith for any purpose to which the holding of a licence is merely auxiliary.

(5) In this section the expression “bar” in relation to any licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor, and the expressions “licence,” “licensed premises” and “permitted hours” have the same meanings as in the Licensing Acts, 1910 to 1923.

Sale of  
tobacco, &c.,  
to persons  
under six-  
teen.

7.—(1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds :

Provided that a person shall not be guilty of an offence under this section in respect of any sale of tobacco otherwise than in the form of cigarettes, if he did not know and had no reason to believe that the tobacco was for the use of the person to whom it was sold.

(2) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises is being extensively used by persons apparently under the age of sixteen years, the court may order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or

cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.

(4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(5) For the purposes of this section the expression "tobacco" includes cigarettes and smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

8. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872.

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PART I.  
—cont.Taking  
pawns from  
persons under  
fourteen.35 & 36 Vict.  
c. 93.

9.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

Purchase  
of old metals  
from per-  
sons under  
sixteen.  
34 & 35 Vict.  
c. 112.  
57 & 58 Vict.  
c. 60.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

10.—(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall, unless he proves that the

Vagrants  
preventing  
children

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PART I.  
—cont.from  
receiving  
education.11 & 12  
Geo. 5 c. 51.

child is totally exempted from school attendance or that the child is not, by being so taken with him, prevented from receiving efficient elementary education, be liable on summary conviction to a fine not exceeding with costs twenty shillings :

Provided that this provision shall not apply to a child in a canal boat for whose education provision is made under section fifty of the Education Act, 1921.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of this Act.

(3) Without prejudice to the requirements of the Education Act, 1921, as to school attendance or to proceedings thereunder, this section shall not, during the months of April to September inclusive, apply to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, if a certificate has been obtained that the child has made not less than two hundred attendances at a public elementary school during the months of October to March immediately preceding.

(4) The Board of Education shall have power to make regulations as to the issue of certificates of attendance for the purposes of the last foregoing subsection, and any such regulations shall be laid before Parliament as soon as may be after they are made.

Exposing  
children  
under seven  
to risk of  
burning.

11. If any person who has attained the age of sixteen years, having the custody, charge or care of any child under the age of seven years, allows the child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds :

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

12.—(1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

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PART I.

—cont.

Failing to  
provide for  
safety of  
children at  
entertain-  
ments.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence fifty pounds, and in the case of a second or subsequent offence one hundred pounds, and also, if the building in which the entertainment is given is licensed under the Cinematograph Act, 1909, or under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.

9 Edw. 7.,  
c. 30.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.

(5) The institution of proceedings under this section shall—

(a) in the case of a building licensed by the Lord Chamberlain, or licensed by the council of a

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PART I.  
—cont.

county or county borough under the Cinematograph Act, 1909, or under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, be the duty of the council of the county or county borough in which the building is situated; and

(b) in any other case, be the duty of the police authority.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

*Special Provisions as to Prosecutions for Offences specified in First Schedule.*

Power to  
take offen-  
ders into  
custody.

13.—(1) Any constable may take into custody, without warrant—

(a) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and residence;

(b) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Act, if the constable has reasonable ground for believing that that person will abscond or does not know and cannot ascertain his name and address.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which the person is brought, shall, unless in his belief the release of the person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in the judgment of the officer of police be required to secure his attendance upon the hearing of the charge.

Mode of  
charging  
offences and  
limitation  
of time.

14.—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the

person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each child or young person except upon separate informations.

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PART I.  
—cont.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When any offence mentioned in the First Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

15. As respects proceedings against any person for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if the Schedule to that Act included references to those offences.

Evidence of  
husband or  
wife of  
accused  
person.  
61 & 62  
Vict. c. 36.

### *Supplemental.*

16. Every misdemeanour under this Part of this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859.

Application of  
Vexatious  
Indictments Act,  
22 & 23 Vict.  
c. 17.

17. For the purposes of this Part of this Act—

Interpre-  
tation of  
Part I.

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and

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PART I.  
—cont.

mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person;

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person;

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

## PART II.

## EMPLOYMENT.

*General Provisions as to Employment.*

Restrictions  
on employ-  
ment of  
children.

18.—(1) Subject to the provisions of this section and of any byelaws made thereunder no child shall be employed—

- (a) so long as he is under the age of twelve years; or
- (b) before the close of school hours on any day on which he is required to attend school; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day; or
- (d) for more than two hours on any day on which he is required to attend school; or
- (e) for more than two hours on any Sunday; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him.

(2) A local authority may make byelaws with respect to the employment of children, and any such byelaws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

(a) authorising—

(i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) by their parents or guardians in light agricultural or horticultural work;

(ii) the employment of children (notwithstanding anything in paragraph (b) of the

last foregoing subsection) for not more than one hour before the commencement of school hours on any day on which they are required to attend school;

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PART II.  
—cont.

(b) prohibiting absolutely the employment of children in any specified occupation;

(c) prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

(iii) the intervals to be allowed to them for meals and rest;

(iv) the holidays or half-holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment;

so, however, that no such byelaws shall modify the restrictions contained in the last foregoing subsection save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such byelaws shall have effect in addition to the said restrictions.

(3) Nothing in paragraph (c) or in paragraph (d) of subsection (1) of this section, or in any byelaw made under this section, shall prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under the provisions of this Part of this Act.

19.—(1) Subject to the provisions of this section, a local authority may make byelaws with respect to the employment of persons under the age of eighteen years other than children, and any such byelaws may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

Power  
of local  
authority  
to make  
byelaws  
with respect  
to employ-  
ment of  
persons  
under  
eighteen  
other than  
children.

(a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed;

(b) the intervals to be allowed to them for meals and rest;



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PART II.  
—cont.

- (c) the holidays or half-holidays to be allowed to them;
  - (d) any other conditions to be observed in relation to their employment.
- (2) Nothing in this section shall empower a local authority to make byelaws with respect to—
- (a) employment in or about the delivery, collection, or transport of goods, except in the capacity of van boy, errand boy, or messenger;
  - (b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger;
  - (c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger;
  - (d) employment in agriculture;
  - (e) employment in domestic service, except as non-resident daily servant;
  - (f) employment in any ship or boat registered in the United Kingdom as a British ship or in any British fishing boat entered in the fishing boat register.

(3) This section shall not come into operation until such date as may be appointed by an order of the Secretary of State, and the Secretary of State shall not make such an order until a draft thereof has been laid before both Houses of Parliament and has been approved by resolutions passed in the same session of Parliament by both Houses.

Street  
trading.

**20.—**(1) No person under the age of sixteen years shall engage or be employed in street trading :

Provided that byelaws made under this section may permit young persons who have not attained the age of sixteen years to be employed by their parents in street trading.

(2) A local authority may make byelaws regulating or prohibiting street trading by persons under the age of eighteen years, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

- (a) forbidding any such person to engage or be employed in street trading unless he holds a

- licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended, and revoked;
- (b) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;
  - (c) requiring such persons so engaged or employed to wear badges;
  - (d) regulating in any other respect the conduct of such persons while so engaged or employed.

A.D. 1933.

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PART II.  
—*cont.*

**21.—(1)** If a person is employed in contravention of any of the foregoing provisions of this Part of this Act, or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds :

Penalties  
and legal  
proceedings  
in respect  
of general  
provisions  
as to em-  
ployment.

Provided that, if proceedings are brought against the employer, the employer, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing subsection,

- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

A.D. 1933.

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PART II.  
—cont.

(3) A person under the age of eighteen years, who engages in street trading in contravention of the provisions of the last foregoing section, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

*Entertainments and Performances.*

Restrictions  
on children  
taking part  
in enter-  
tainments.

22.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force thereunder, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall, on summary conviction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, a licence under this section shall not be necessary for a child to take part in an entertainment if—

- (a) he has not during the preceding six months taken part on more than six occasions in entertainments in connection with which any such charge as aforesaid was made; and
- (b) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters :

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any intoxicating liquor unless either—

- (i) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or
- (ii) special authority for the child to take part in the entertainment has been granted in writing under the hands of two justices of the peace.

(3) Subject to such restrictions and conditions as may be prescribed by rules made by the Board of

Education, a local authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area :

A.D. 1933.

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PART II.  
—cont.

Provided that—

(a) no licence shall be granted unless the local authority are satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and

(b) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(4) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the local authority within whose area the entertainment is to take place particulars of the licence and such other information as the Board of Education may by rules prescribe and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any local authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Board of Education, any such licence may at the request of the holder of the licence be varied or extended by any such local authority as aforesaid.

(6) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of a local authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local authority by this section.

23. No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance,

Prohibition  
against  
persons under  
sixteen taking  
part in per-  
formances  
endangering  
life or limb.

A.D. 1933. shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds:

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PART II.  
—*cont.*

Provided that no proceedings shall be taken under this subsection except by or with the authority of a chief officer of police.

Restrictions  
on training  
for perform-  
ances of a  
dangerous  
nature.

24.—(1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) A petty sessional court may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the person is, in accordance with the provisions of the licence, to be trained, and that officer may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) A licence under this section may, on cause being shown by any person, be revoked by a petty sessional court acting for the same petty sessional division or place as the court by which the licence was granted.

*Employment Abroad.*

A.D. 1933.

PART II.  
—cont.

25.—(1) No person having the custody, charge or care of any person under the age of eighteen years shall allow him, nor shall any person cause or procure any person under that age, to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, unless he has attained the age of fourteen years and a licence has been granted in respect of him under this section:

Restrictions on persons under eighteen going abroad for the purpose of performing for profit.

Provided that this subsection shall not apply in any case where it is proved that the person under the age of eighteen years was only temporarily resident within Great Britain and Ireland.

(2) A police magistrate may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the police magistrate thinks fit, for any person who has attained the age of fourteen years but is under the age of eighteen years to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, but no such licence shall be granted in respect of any person unless the police magistrate is satisfied—

- (a) that the application for the licence is made by or with the consent of his parent or guardian;
- (b) that he is going abroad to fulfil a particular engagement;
- (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;
- (d) that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

(3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police shall send that copy

A.D. 1933.

PART II.  
—cont.

to the police magistrate and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and the police magistrate shall not grant the licence unless he is satisfied that notice has been properly so given :

Provided that if it appears that the notice was given less than seven days before the making of the application, the police magistrate may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.

(4) A licence under this section shall not be granted for more than three months but may be renewed by a police magistrate from time to time for a like period, so, however, that no such renewal shall be granted, unless the police magistrate—

- (a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions of the licence are being complied with;
- (b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.

(5) A police magistrate—

- (a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient:
- (b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.

(6) The police magistrate to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing

of some matter or thing required to be done in a proceeding before a court of summary jurisdiction is enforceable.

A.D. 1933.

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PART II.  
—cont.

(7) If in any case where a licence has been granted under this section, it is proved to the satisfaction of a police magistrate that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return from abroad.

(8) Where a licence is granted, renewed or varied under this section, the police magistrate shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

(9) In this section the expression "police magistrate" means one of the following magistrates, that is to say—

- (a) the chief magistrate of the metropolitan police courts;
- (b) any magistrate of the metropolitan police court in Bow Street;
- (c) any stipendiary magistrate appointed by Order in Council to exercise jurisdiction under this section,

and the powers conferred by this section on a police magistrate shall in every case be exercisable by any of the magistrates aforesaid.

(10) This and the next following section extend to Scotland and to Northern Ireland.

**26.**—(1) If any person acts in contravention of the provisions of subsection (1) of the last foregoing section he shall be guilty of an offence under this section and be liable, on summary conviction, to a fine not exceeding one hundred pounds, or, alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months :

Punishment  
of contra-  
ventions  
of last  
foregoing  
section and  
proceedings  
with respect  
thereto.



A.D. 1933.

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PART II.  
—*cont.*

Provided that if he procured the person to go abroad by means of any false pretence or false representation, he shall be liable on conviction on indictment to imprisonment for any term not exceeding two years.

(2) Where, in proceedings under this section against a person, it is proved that he caused, procured, or allowed a person under the age of eighteen years to go abroad and that that person has while abroad been singing, playing, performing, or being exhibited, for profit, the defendant shall be presumed to have caused, procured, or allowed him to go abroad for that purpose, unless the contrary is proved :

Provided that where the contrary is proved, the court may order the defendant to take such steps as the court directs to secure the return of the person in question to the United Kingdom, or to enter into a recognisance to make such provision as the court may direct to secure his health, kind treatment, and adequate supervision while abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

(3) Proceedings in respect of an offence under this section or for enforcing a recognisance under this or the last foregoing section may be instituted at any time within a period of three months from the first discovery by the person taking the proceedings of the commission of the offence or, as the case may be, the non-observance of the restrictions and conditions contained in the licence, or, if at the expiration of that period the person against whom it is proposed to institute the proceedings is outside the United Kingdom, at any time within six months after his return to the United Kingdom.

(4) In any such proceedings as aforesaid, a report of any British consular officer and any deposition made on oath before a British consular officer and authenticated by the signature of that officer, respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under the last foregoing section shall, upon proof that the consular officer, or deponent, cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the

person appearing to have signed any such report or deposition. A.D. 1933.

(5) The wife or husband of a person charged with an offence under this section may be called as a witness either for the prosecution or defence, and without the consent of the person charged.

PART II.  
—cont.

(6) A constable or any person authorised by a justice of the peace may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go abroad in contravention of the provisions of the last foregoing section, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him.

### *Supplemental.*

27.—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs. Byelaws.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.

(3) Byelaws so made may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health Act, 1875, by a local authority, not being the council of a borough, may be proved, and section one hundred and eighty-six of that Act shall apply accordingly. 38 & 39 Vict.  
c. 55.

28.—(1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, other than those relating to employment abroad, or of a byelaw made under the said provisions, are being contravened with Powers of  
entry.

A.D. 1933.

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PART II.

—cont.

respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local authority or any constable may at any time during the currency of a licence granted under section twenty-two or twenty-four of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Savings.

**29.**—(1) The provisions of this Act imposing restrictions on employment or on the taking part by children in entertainments, other than those relating to employment abroad, and the provisions of any byelaws made under this Part of this Act, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

(2) The said provisions shall not affect the provisions of Part IV of the Education Act, 1921, with respect to school attendance or the provisions of sections ninety-three, ninety-four and ninety-five of that Act with respect to the employment of children and young persons.

(3) The said provisions shall not apply to a person detained in an approved school.

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to

employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

A.D. 1933.

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PART II.  
—cont.

**30.** For the purposes of this Part of this Act and of any byelaws made thereunder—

Interpreta-  
tion of  
Part II.

A person who is attending a public elementary school and who attains the age of fourteen years during a school term shall not (except for the purposes of the provisions relating to employment abroad) be deemed to cease to be a child until the end of that term;

The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;

The expression “street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed; and

The expression “abroad” means outside Great Britain and Ireland.

### PART III.

#### PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.

##### *General Provisions as to Preliminary Proceedings.*

**31.** Arrangements shall be made for preventing a child or young person while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and

Separation  
of children  
and young  
persons  
from adults  
in police  
stations,  
courts, &c.

A.D. 1933. for ensuring that a girl (being a child or young person)  
 — shall while so detained, being conveyed, or waiting, be  
 PART III. under the care of a woman.  
 —cont.

Bail or  
detention of  
children and  
young  
persons  
arrested.

**32.**—(1) Where a person apparently under the age of seventeen years is apprehended, with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which he is brought, shall inquire into the case, and may release him on a recognisance being entered into by him or his parent or guardian (with or without sureties), for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge, and shall so release him unless—

- (a) the charge is one of homicide or other grave crime; or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer has reason to believe that his release would defeat the ends of justice.

(2) Where a person apparently under the age of seventeen years having been apprehended is not so released as aforesaid, the officer of police shall cause him to be detained in a remand home until he can be brought before a court of summary jurisdiction, unless the officer certifies—

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly a character that he cannot safely be so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which he is brought.

Remand or  
committal  
to custody  
in remand  
homes.

**33.**—(1) Any court, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home named in the commitment, to be there detained for the period for

which he is remanded or until he is thence delivered in due course of law: A.D. 1933.

Provided that—

PART III.  
—cont.

- (a) in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained; and
- (b) nothing in this subsection shall affect any power of a court of summary jurisdiction under section ten of the Criminal Justice Administration Act, 1914, to commit a person who has attained the age of sixteen years to prison until the next assizes or quarter sessions with a view to his being sentenced to detention in a Borstal institution. 4 & 5 Geo. 5.  
c. 58.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to prison.

34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance. Attendance  
at court of  
parent of  
child or  
young  
person  
charged  
with an  
offence, &c.

(2) Where a child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

A.D. 1933.

PART III.

—*cont.*42 & 43 Vict.  
c. 49.11 & 12 Vict.  
c. 42.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879, for applying, with the necessary adaptations and modifications, such of the provisions of the Summary Jurisdiction Acts and the Indictable Offences Act, 1848, as appear appropriate for the purpose, and such rules may provide for a summons to a child or young person including a summons to his parent or guardian.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Notice to  
local autho-  
rity of  
charges  
against and  
applications  
relating to  
children  
and young  
persons.

**35.**—(1) Where a child or young person is to be brought before a court of summary jurisdiction, or before a justice or justices acting under the Indictable Offences Act, 1848, in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as being in need of care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court or justices—

- (a) to the probation officer, or one of the probation officers, for the probation area in which the court or justices will sit; and
- (b) to the local authority for the district in which the child or young person is resident, or, if it is not known where he is resident, to the local authority for the district, or for any one of the districts, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen :

Provided that no such notification need be given to a local authority where the child or young person is charged or brought before the court by a local or poor law authority.

A.D. 1933.

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PART III.

—cont.

For the purposes of this subsection the expression “responsible person” means, in a case where the child or young person is accused of an offence, the chief officer of police, and in any other case, the person bringing the child or young person before the court.

(2) A local authority who have received a notification under the last foregoing subsection, and a local or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as being in need of care or protection shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court :

Provided that a local authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty sessional division in which by direction of the justices or probation committee arrangements have been made for such investigations to be made by a probation officer.

### *General Provisions as to Proceedings in Court.*

**36.** No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed :

Prohibition  
against  
children  
being  
present in  
court during  
the trial of  
other per-  
sons.

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.



A.D. 1933.

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PART III.  
—cont.Power to  
clear court  
while child  
or young  
person is  
giving evi-  
dence in  
certain  
cases.

**37.**—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness :

Provided that nothing in this section shall authorise the exclusion of bona fide representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

Evidence of  
child of  
tender  
years.

**38.**—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively :

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

Power to  
prohibit  
publication

**39.**—(1) In relation to any proceedings in any court which arise out of any offence against, or any

conduct contrary to, decency or morality, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Special Procedure with regard to Offences specified  
in First Schedule.*

40.—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting in the interests of a child or young person, that there is reasonable cause to suspect—

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause him unnecessary suffering, or injury to health; or
- (b) that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of the child or young person,

the justice may issue a warrant authorising any constable named therein to search for the child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court,

A.D. 1933.

PART III.

—cont.

of certain  
matter in  
newspapers.

Warrant to  
search for or  
remove a  
child or  
young  
person.

A.D. 1933.

PART III.

—cont.

or authorising any constable to remove him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if that person so desires, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

Power to  
proceed  
with case  
in absence  
of child  
or young  
person.

41. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

Extension  
of power  
to take  
deposition  
of child  
or young  
person.

42.—(1) Where a justice of the peace is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the day when and

place where it was taken, and of the names of the persons (if any) present at the taking thereof.

A.D. 1933.

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PART III.  
—cont.

(2) The justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

43. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to his life or health, any deposition of the child or young person taken under the Indictable Offences Act, 1848, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to be taken :

Admission  
of deposition  
of child or  
young  
person in  
evidence.

Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

*Principles to be observed by all Courts in dealing with  
Children and Young Persons.*

44.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

General  
considera-  
tions.

A.D. 1933.

PART III.  
—cont.

(2) A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

*Juvenile Courts.*Constitution  
of juvenile  
courts.

45. Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule to this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be petty sessional courts.

Assignment  
of certain  
matters to  
juvenile  
courts.

46.—(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained the age of seventeen years shall be heard by a court of summary jurisdiction other than a juvenile court; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

(3) The Lord Chancellor may by rules assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons, being applications cognisable by justices, courts of summary jurisdiction, or petty sessional courts, if, in his opinion, it is desirable in the interests of the children and young persons concerned that such applications should be heard by juvenile courts.

For the purposes of this subsection, any complaint under section forty-four or section forty-five of the Education Act, 1921 (which sections relate to the making of school attendance orders and to the proceedings to be taken where such orders are disobeyed), or under section fifty-four of that Act (which relates to the making of orders requiring defective or epileptic children to be sent to suitable classes or schools) shall be deemed to be an application for an order relating to a child.

**47.—**(1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.

A.D. 1933.

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PART III.  
—cont.Procedure  
in juvenile  
courts.

(2) A juvenile court shall, subject as hereinafter provided, sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held; and no person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) *bonâ fide* representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present:

Provided that juvenile courts for the City of London shall sit at such place or places as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

A.D. 1933.

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PART III.  
—*cont.*

(3) The Lord Chancellor may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts and of the Acts relating to indictable offences as regulate procedure shall have effect subject to any rules so made.

Miscellaneous provisions as to powers of juvenile courts.

48.—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

7 Edw. 7.  
c. 17.

(2) Where the court before which any person is bound by his recognisance under the Probation of Offenders Act, 1907, to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognisance or of jurisdiction to vary or discharge the recognisance.

(3) When a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessional division or place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice of the peace at least once in every twenty-one days;
- (b) when the required information has been obtained, may deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this subsection to hear evidence as to the commission of that offence, except in so far as it may consider that such evidence will assist the court in determining the manner in which he should be dealt with.

(4) Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879, (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences)

a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

A.D. 1933.

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PART III.

—cont.

(5) A juvenile court sitting in the metropolitan police court area shall have all the powers of a metropolitan police magistrate; and for the purposes of any enactment by virtue of which any powers are exercisable—

(a) by a court of summary jurisdiction acting for the same petty sessional division or place as a juvenile court by which some previous act has been done; or

(b) by a juvenile court acting for the same petty sessional division or place as a court of summary jurisdiction by which some previous act has been done,

the metropolitan police court area shall be deemed to be the place for which all metropolitan police magistrates sitting in that area and all juvenile courts sitting in that area act.

(6) A juvenile court constituted and sitting in accordance with a determination of the Court of the Lord Mayor and Aldermen of the City of London shall have all the powers of a petty sessional court notwithstanding that the juvenile court is constituted only of the Lord Mayor or a single alderman and is not sitting in the justice room of the Mansion House or of the Guildhall.

49.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Restrictions  
on news-  
paper  
reports of  
proceedings  
in juvenile  
courts.

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.



A.D. 1933.

PART III.  
—cont.

(2) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Juvenile Offenders.*

50. It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

51. No conviction or finding of guilty of a child or young person shall be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

52.—(1) A child shall not be ordered to be imprisoned or be sent to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages, or costs.

(2) A young person shall not be sent to penal servitude for any offence.

(3) A young person shall not be ordered to be imprisoned for an offence, or be committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or that he is of so depraved a character that he is not a fit person to be so detained.

53.—(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in lieu thereof the court shall sentence him to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the Secretary of State may direct.

(2) Where a child or young person is convicted on indictment of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Secretary of State may direct.

(3) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Secretary of State on licence.

Such a licence may be in such form and may contain such conditions as the Secretary of State may direct, and may at any time be revoked or varied by the Secretary of State.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

54. Where a child or young person is found guilty of an offence punishable in the case of an adult with penal servitude or imprisonment, or where a child or young person would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, the court may, if it considers that none of the other methods in which the case may legally be dealt with is suitable, order that he be committed to custody in a remand home named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding one month.

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PART III.  
—*cont.*Substitution  
of custody  
in remand  
home  
for im-  
prisonment.

55.—(1) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs may be imposed, if the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to  
order parent  
to pay fine,  
&c., instead  
of child  
or young  
person.

(2) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

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PART III.  
—cont.

(3) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sums ordered under this section, or on forfeiture of any such security as aforesaid, to be paid by a parent or guardian may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(5) A parent or guardian may appeal against an order under this section—

(a) if made by a court of summary jurisdiction, to a court of quarter sessions; and

(b) if made by a court of assize or a court of quarter sessions, to the Court of Criminal Appeal in accordance with the Criminal Appeal Act, 1907, as if the parent or guardian against whom the order was made had been convicted on indictment, and the order were a sentence passed on his conviction.

7 Edw. 7.  
c. 23.

Power of  
other courts  
to remit  
juvenile  
offenders  
to juvenile  
courts.

**56.**—(1) Any court by or before which a child or young person is found guilty of an offence other than homicide, may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under the last foregoing subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

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PART III.  
—cont.

57.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of this or any other Act, have power—

Power to  
send juven-  
ile offenders  
to approved  
schools or  
to commit  
them to fit  
persons.

(a) to order him to be sent to an approved school;

(b) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

58. The Secretary of State may by order direct that—

Power of  
Secretary of  
State to  
send certain  
juvenile  
offenders to  
approved  
schools.

(a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

(b) a child or young person with respect to whom he is authorised to give directions under subsection (2) of section fifty-three of this Act; or

(c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of

A.D. 1933. the Secretary of State attain the age of nineteen years  
— nor later—

PART III.  
—cont.

(a) in the case of a person who was undergoing detention in a Borstal Institution, or was sentenced to detention under the said subsection (2), than the date on which his detention would have expired;

(b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run.

Miscellaneous provisions as to summary proceedings against juvenile offenders.

59.—(1) The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

Provided that for the purposes of paragraph (b) of subsection (1) of section ten of the Criminal Justice Administration Act, 1914 (which relates to the power to send youthful delinquents to Borstal institutions), a finding that a person is guilty of an offence shall not have the effect of a conviction if he was dealt with for that offence under the Probation of Offenders Act, 1907.

(2) Where a child or young person is himself ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine.

60.—The amendments specified in the second column of the Third Schedule to this Act shall be made in the enactments mentioned in the first column of that Schedule.

Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

### *Children and Young Persons in need of Care or Protection.*

Definition of “in need of care or protection.”

61.—(1) For the purposes of this Act a child or young person in need of care or protection means a person who is—

(a) a child or young person who, having no parent or guardian or a parent or guardian unfit to

exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or

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PART III.  
—cont.

(b) a child or young person who—

(i) being a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been committed; or

(ii) being a member of the same household as a child or young person in respect of whom such an offence has been committed; or

(iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) being a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household;

8 Edw. 7.  
c. 45.

requires care or protection; or

(c) a child in respect of whom an offence has been committed under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (a) of the last foregoing subsection) be evidence that he is exposed to moral danger.

**62.**—(1) If a juvenile court is satisfied that any person brought before the court under this section by a local authority, constable, or authorised person, is a child or young person in need of care or protection, the court may either—

Powers of  
juvenile  
courts in  
respect of  
children and  
young per-  
sons in need

(a) order him to be sent to an approved school; or

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## PART III.

—*cont.*  
of care or  
protection.

- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any local authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court; and it shall be the duty of a local authority to bring before a juvenile court any child or young person residing or found in their district who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) The Summary Jurisdiction Acts shall apply in relation to recognisances under subsection (1) of this section as they apply in relation to recognisances to be of good behaviour, and where a recognisance under the said subsection (1) is adjudged to be forfeited the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Secretary of State to institute proceedings under this section, and any person who is himself so authorised.

Powers of  
other courts  
with respect  
to last  
foregoing  
section.

**63.**—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act or any offence under section ten of this Act, may—

- (a) direct that the child or young person be brought before a juvenile court with a view to that

court making such order under the last foregoing section as may be proper; or

- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which the juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court it shall be the duty of the local authority in whose district he was residing or found to bring him before such a court under subsection (1) of the last foregoing section.

*Refractory Children and Young Persons.*

64. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

- (a) that it is expedient so to deal with the child or young person; and  
(b) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court :

Provided that an order that the child or young person be sent to an approved school shall not be made unless the local authority within whose area he is resident agree.

65. Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

*Supplemental.*

66.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of

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PART III.  
—cont.

Power of  
parent or  
guardian  
to bring  
child or  
young per-  
son before  
juvenile  
court.

Power of  
poor law  
authority  
to bring  
child or  
young per-  
son before  
juvenile  
court.

Supervision  
by proba-  
tion officers



A.D. 1933.

PART III.

—cont.

or other  
persons,

a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

15 &amp; 16

Geo. 5. c. 86.

(3) For the purposes of the provisions of the Criminal Justice Act, 1925, relating to the salaries, remuneration and expenses of probation officers and of persons not being probation officers named in probation orders, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

Removal or  
remand of  
child or  
young  
person to  
place of  
safety.

**67.**—(1) A constable, or any person authorised by any court or by any justice of the peace, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the last five foregoing sections, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

(2) If a juvenile court before which any child or young person is brought is not in a position to decide whether any and, if so, what, order ought to be made under the last five foregoing sections, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

An interim order under this subsection shall not remain in force for more than twenty-eight days; but if at the expiration of that period the court deems it expedient to do so, it may make a further interim order.

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PART III.  
—*cont.*

**68.**—(1) A court before making an approved school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

Regard to  
be had to  
religious  
persuasion  
of person  
sent to  
approved  
school.

(2) A court, or the Secretary of State, in determining the approved school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(a) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessional division or place; and

(b) in any other case, to the Secretary of State,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Secretary of State shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant :

Provided that nothing in this subsection shall empower a court, or impose an obligation upon the Secretary of State, to comply with any such request as aforesaid unless the applicant has—

(i) made his application before, or within thirty days after, the person's arrival at the school; and

(ii) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Secretary of State that the managers thereof have accommodation available.

**69.**—(1) An approved school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act :

Coming into  
force of  
approved  
school  
orders.

A.D. 1933.

PART III.  
—cont.

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) If an approved school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to an approved school in pursuance of the approved school order :

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this subsection.

Any order made under this subsection may be made in the absence of the child or young person concerned.

Contents of  
approved  
school  
orders.

70.—(1) Every approved school order shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(2) Every approved school order, other than an order made on the application of a poor law authority in their capacity as such or made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education), shall name the local authority within whose district the child or young person was resident, or if that is not known, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved school :

Provided that—

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PART III.  
—cont.

(a) in determining for the purposes of this subsection the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded; and

(b) in the case of a child or young person not resident in England, the order shall, instead of naming a local authority, state that he was resident outside England.

(3) Every approved school order which is made to take effect immediately shall—

(a) specify the approved school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the local authority concerned, considers to be most suitable to the case; and

(b) state whether the local or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying to his school the child or young person with respect to whom the order is made.

(4) Where an approved school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, shall be subsequently specified by endorsement thereon.

(5) If for any reason a child or young person with respect to whom an approved school order has been made cannot be received into the approved school specified in or endorsed upon the order, another school may be

A.D. 1933. specified by an endorsement or further endorsement  
— thereon, as the case may be.

PART III.  
—cont.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the approved school order; or
- (b) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place; or
- (c) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the petty sessional division or place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the petty sessional division or place within which he was resident;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved school order made on the application of a poor law authority in their capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education) shall state that it is so made.

Duration of  
approved  
school  
orders.

**71.**—(1) Where a court orders a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order and, if at the expiration of that period he is under the age of fifteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

- (a) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

- (b) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

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PART III.  
—cont.

**72.**—(1) The court which makes, or makes any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge of the school.

Conveyance  
of children  
or young  
persons to  
approved  
school.

(2) The court by which an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

(3) The local or poor law authority, probation officer or police authority, stated by any approved school order to be responsible for conveying a child or young person to his school, shall be responsible for conveying him there at the expense of the local or poor law authority, the probation committee, or police authority, as the case may be.

(4) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which

A.D. 1933. he may be subject under the provisions of this Act, be  
 — liable on summary conviction to a fine not exceeding five  
 PART III. pounds.  
 —cont.

Extension  
of period of  
detention in  
approved  
schools.

73. If the managers of an approved school are satisfied that a person whose period of detention therein is, under the foregoing provisions of this Act, about to expire needs further care or training and cannot without it be placed in suitable employment they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person undergoing detention in a Borstal Institution or sentenced to detention under subsection (2) of section fifty-three of this Act, is detained in an approved school by order of the Secretary of State.

Supervision  
and recall  
after ex-  
piration of  
order.

74.—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

- (a) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years ;
- (b) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Secretary of State so directs, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen years :

Provided that a person shall not be so recalled, unless in the opinion of the managers, or, as the case may be, of the Secretary of State, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

- (a) after the expiration of a period of three months, or of such longer period not exceeding six

months as the Secretary of State may, after  
considering the circumstances of his case, direct;  
or

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PART III.

—cont.

(b) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Secretary of State of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Secretary of State that they have done so.

(5) For the purposes of this Act a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

**75.**—(1) Before making an order under this Act committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed the court shall if possible select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

Provisions  
as to  
making,  
duration,  
and effect,  
of orders  
of com-  
mittal to fit  
persons.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Act, remain in force until he attains the age of eighteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.



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## PART III.

—cont.

Committal  
to local and  
other autho-  
rities as "fit  
persons."

76.—(1) The local authority shall for the purposes of the provisions of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

8 & 9 Geo. 5.  
c. 57.8 Edw. 7.  
c. 67.

(2) An order may be made under this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision, and accordingly in subsection (4) of that section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Act.

## PART IV.

REMAND HOMES, APPROVED SCHOOLS, AND PERSONS  
TO WHOSE CARE CHILDREN AND YOUNG PERSONS  
MAY BE COMMITTED.

*Remand Homes.*Provision of  
remand  
homes by  
councils of  
counties and  
county  
boroughs.

77.—(1) It shall be the duty of the council of every county and county borough to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish, or join with the council of another county or county borough in establishing, such homes.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or county borough for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a

county or county borough may be so remanded to any remand home, wherever situate, which is provided under this section for that county or county borough.

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PART IV.  
—*cont.*

(4) Nothing in this section shall be construed as requiring a council to provide additional remand homes for their area so long as any places of detention provided under the Children Act, 1908, and available for use by the council as remand homes remain suitable for that purpose and sufficient for the needs of the area.

78.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the tenour thereof.

Provisions  
as to  
custody of  
children  
and young  
persons in  
remand  
homes.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) The Secretary of State shall cause remand homes to be inspected, and may make rules as to the places to be used as remand homes, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a remand home, and for the children and young persons while so detained being visited from time to time by persons appointed in accordance with those rules.

(4) A child or young person who escapes from a remand home may be apprehended without warrant, and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

### *Approved Schools.*

79.—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Secretary of State to approve the school for that purpose, and the

Approval  
of schools.

A.D. 1933. Secretary of State may, after making such inquiries as he thinks fit, approve the school for that purpose and issue a certificate of approval to the managers.

PART IV.  
—cont.

(2) If at any time the Secretary of State is dissatisfied with the condition or management of an approved school, or considers its continuance as an approved school unnecessary, he may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school :

Provided that the Secretary of State, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of an approved school may, on giving six months' notice in writing to the Secretary of State of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) The Secretary of State shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the London Gazette.

Provision  
of approved  
schools by

80.—(1) A local authority may, with the approval of the Secretary of State, undertake, or combine with any other local authority in undertaking, or contribute

such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school:

Provided that, before giving his approval, the Secretary of State shall satisfy himself that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

**81.**—(1) The Secretary of State may classify approved schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

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PART IV.

—cont.

local authorities.

Classification,  
administration,  
and management.

(2) The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
- (c) the managers of the school satisfy the Secretary of State that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

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## PART IV.

—cont.

Escapes  
from  
approved  
schools,  
&c.

**82.**—(1) Any person who has been ordered to be sent to an approved school and who—

- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (ii) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the last foregoing subsection brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in subsection (1) of this section; or

- (b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

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PART IV.  
—cont.

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

**83.—**(1) Any person detained in a school under the law in force in Scotland or Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Scotland or Northern Ireland to an approved school in England designated for the purpose by the Secretary of State, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in Scotland or Northern Ireland were an approved school order made upon the same date by a juvenile court.

Power to  
send  
children  
and young  
persons  
from  
Scotland,  
Northern  
Ireland,  
Isle of Man  
and Channel  
Islands to  
approved  
schools in  
England.

(2) The Secretary of State may at any time by order direct that a person who under the last preceding subsection has been transferred to an approved school in England from a school in Scotland or Northern Ireland, shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in Scotland or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age

A.D. 1933. to be sent to approved schools in England and if  
— by that law provision satisfactory to the Secretary of  
PART IV. State is made—

—cont.

- (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;
- (b) for contributions towards the expenses of the managers of the school; and
- (c) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Secretary of State may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in Scotland or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be retransferred or sent to an approved school in England, or so ordered by the Secretary of State to be retransferred to a school in Scotland or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in Scotland or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Secretary of State, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression “competent authority” means, in relation to Scotland, the Scottish Education Department, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

*Fit Persons.*

A.D. 1933.

84.—(1) The provisions of this section shall apply in relation to orders under this Act committing a child or young person to the care of a fit person, and in this section the expressions “child” and “young person” mean a person with respect to whom such an order is in force, irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

PART IV.  
—cont.

General provisions as to children and young persons committed to the care of fit persons.

(2) The Secretary of State may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed and may cause any children or young persons committed to the care of a local authority to be visited from time to time.

(3) A local authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit :

Provided that—

- (a) the power of a local authority under this subsection shall be exercised in accordance with any rules made under the last foregoing subsection as to the persons with whom and the conditions under which children and young persons committed to the care of local authorities may be so boarded out ;
- (b) in selecting the person with whom any child or young person is to be boarded out, the local authority shall, if possible, select a person who is of the same religious persuasion as the child or young person, or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(4) The Secretary of State may at any time in his discretion discharge a child or young person from the care of the person to whose care he has been committed, and any such discharge may be granted either absolutely or subject to conditions.

(5) The Secretary of State in any case where it appears to him to be for the benefit of a child or young



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PART IV.  
—cont.

person may empower the person to whose care he has been committed to arrange for his emigration, but except with the authority of the Secretary of State no person to whose care a child or young person has been committed shall arrange for his emigration :

Provided that the Secretary of State shall not empower such a person to arrange for the emigration of a child or young person, unless he is satisfied that the child or young person consents and also that his parents have been consulted or that it is not practicable to consult them.

(6) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

(a) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place;

(b) in any case, by a juvenile court acting for the petty sessional division or place within which the child or young person is residing.

(7) If on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

(8) Where the local authority are of opinion that any child or young person who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if it thinks that it is desirable in his interests to do so, order him to be sent to such a school.

Escapes  
from care of  
fit persons.

85.—(1) A child or young person who runs away from a person to whose care he has been committed under this Act may be apprehended without warrant and

brought back to that person, if he is willing to receive him, and if he is not willing to receive him, may be brought—

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PART IV.  
—cont.

(a) if the order committing him to the care of that person was made by a petty sessional court, before a juvenile court acting for the same petty sessional division or place as that court; or

(b) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which the court might have made if he had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) A child or young person who runs away from any person with whom he has been boarded out by a local authority under this Act may be apprehended without warrant and brought back to that person, or to such other person as the local authority direct.

(3) Any person who knowingly—

(a) assists or induces a child or young person to run away from a person to whose care he has been committed or with whom he has been boarded out by a local authority, under this Act; or

(b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

### *Provisions as to Contributions towards Expenses.*

86.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or sending him to an approved school, it shall be the duty of the following persons to make contributions in respect of him, that is to say:—

(a) his father or stepfather;

(b) his mother or stepmother;

Contribu-  
tions to be  
made by  
parents, &c.,  
of children  
and young  
persons  
committed  
to the care

A.D. 1933.

## PART IV.

—cont.  
of fit per  
sons, or to  
approved  
schools.

(c) any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his putative father or not.

(2) Where the child or young person has been committed to the care of a fit person not being a local authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of a local authority, or ordered to be sent to an approved school, the contributions shall be payable to the council of the county or county borough within which the person liable to make the contributions is for the time being residing, and shall be paid over by the council to the Secretary of State at such times and in such manner, but subject to such deductions in respect of the services rendered by the council, as may be prescribed.

(4) Any sums received by the Secretary of State under the last foregoing subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

Enforce-  
ment of  
duty of  
parent, &c.,  
to make  
contribu-  
tions.

87.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last foregoing section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means thinks fit:

Provided that the total amount to be contributed for any week in respect of any one child or young person under contribution orders shall not (together with any sum payable in respect of that child or young person under an affiliation order with respect to which an order under the

next following section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

A.D. 1933.

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PART IV.  
—cont.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being a local authority, be made on the application of that person and may, if the child or young person is committed to the care of a local authority, or ordered to be sent to an approved school, be made on the application—

- (a) in the case of an order applied for at the time when the child or young person is so dealt with, of the local authority to whose care he has been committed, or who are named in the approved school order, as the case may be;
- (b) in the case of an order applied for subsequently, of the council of the county or county borough entitled to receive contributions.

(3) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school :

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person ordered to be sent to an approved school is out on licence or under supervision from such a school.

(4) Subject to the provisions of this subsection—

- (a) a contribution order shall be enforceable as an affiliation order and the enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications; and
- (b) section thirty of the Criminal Justice Administration Act, 1914 (which contains provisions as to orders for the periodical payment of money made by courts of summary jurisdiction) shall apply to every contribution order whether the court which made it was, or was not, a court of summary jurisdiction ;

A.D. 1933. but any powers conferred by any of the enactments  
aforesaid on any justices or courts of summary jurisdiction  
shall be exercisable, and exercisable only, by justices and  
courts of summary jurisdiction having jurisdiction in the  
place where the person liable is for the time being residing.

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PART IV.  
—cont.

(5) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds.

Provision  
as to affilia-  
tion orders.

88.—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and an affiliation order for his maintenance is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing may subsequently at any time, order the payments under the affiliation order to be paid to the person who is from time to time entitled under section eighty-six of this Act to receive contributions in respect of the child or young person.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to an affiliation order is in force—

(a) any powers conferred on any justices or courts of summary jurisdiction by the enactments relating to the enforcement of affiliation orders or by section thirty of the Criminal Justice Administration Act, 1914, shall as respects the affiliation order in question be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing;

(b) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;

(c) if the putative father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds;

A.D. 1933.

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PART IV.  
—cont.

(d) section one of the Affiliation Orders Act, 1914 (which relates to the duties of collecting officers), shall not apply in relation to the affiliation order, but nothing in this paragraph shall affect any powers of any court under section thirty of the Criminal Justice Administration Act, 1914, to order payments to be made through an officer of the court or any other specified person or officer.

4 & 5 Geo. 5.  
c. 6.

(3) The making of an order under this section with respect to an affiliation order shall not, where the putative father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the last two foregoing sections to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the affiliation order to the person entitled to receive contributions.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

(a) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force;

(b) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely, or on licence or under supervision :

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make an application for an order under section three of the Affiliation Orders Act, 1914, may apply to a court of

A.D. 1933.

PART IV.

—cont.

summary jurisdiction having jurisdiction in the place where she or he is for the time being residing, for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed by the law in the case of affiliation orders) as may be proper, and the court may make such an order accordingly, and where such an order is so made, any power to vary, revoke or again revive the affiliation order or any part thereof, being a power which would but for the provisions of this subsection be vested in the court which originally made the affiliation order, shall be exercisable, and exercisable only, by the court which made the order under this subsection.

Miscellaneous  
provisions  
as to con-  
tribution  
orders.

**89.**—(1) The Secretary of State may in his discretion remit the whole or any part of any payment ordered under either of the two last foregoing sections to be made to a person entitled to receive contributions thereunder.

(2) Where, by virtue of an order made under either of the two last foregoing sections, any sum is payable to the council of a county or county borough, the council of the county or county borough in which the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that county or county borough.

(3) In any proceedings under either of the two last foregoing sections a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last foregoing sections shall apply in relation to an approved school order made on the application of a poor law authority in their capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any maintenance order made under section nineteen of the Poor Law Act, 1930, or any

power of the poor law authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, he shall, while under the care of the managers of an approved school, be deemed to be still in receipt of relief.

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PART IV.  
—cont.

90.—(1) Subject to the provisions of this section, the local authority named in an approved school order as being the authority within whose district the person to whom the order relates was resident, or within whose district the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

Contribu-  
tions by  
local autho-  
rities in  
respect of  
persons sent  
to approved  
schools.

(2) A court by which an approved school order is made shall cause a copy thereof to be served forthwith on the local authority named in the order, and if that authority desire to contend that the person to whom the order relates was resident in the district of some other local authority or was resident outside England they may, by notice in writing given at any time within three months after the service upon them of the order, appeal—

- (a) if the order was made by a petty sessional court, to a court of summary jurisdiction acting for the same petty sessional division or place; and
- (b) if the order was made by a court which was not a petty sessional court, to a court of summary jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial,

and if, upon the hearing of the appeal, the court is satisfied that the person to whom the order relates was resident in the district of that other local authority, or was resident outside England, the court may by order vary the approved school order by substituting therein the name of that other authority or, as the case may



A.D. 1933. be, a statement that the said person was resident  
— outside England.

PART IV.  
—cont.

Notice of any appeal under this subsection shall be given to the other local authority concerned, if any, and to the clerk of the court, and the clerk of the court shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) Any person aggrieved by an order made under the last foregoing subsection, or by a refusal to make such an order, may appeal to quarter sessions, and, in relation to an appeal from such a refusal, the refusal shall be deemed to be an order.

(4) An order made under this section by a court of summary jurisdiction or by a court of quarter sessions shall have effect retrospectively as from the making of the approved school order, and all necessary payments by way of adjustment shall be made accordingly.

(5) The foregoing provisions of this section shall not apply in relation to an approved school order which—

- (a) is made on the application of a poor law authority in their capacity as such; or
- (b) is made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education); or
- (c) relates to a child or young person stated in the order to have been resident outside England,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

- (i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;
- (ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Secretary of State may determine to be reasonable, regard being had to the average expenses of the managers (including

establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

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PART IV.  
—cont.

(6) In determining for the purposes of this section the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded.

**91.**—(1) Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

Variation of trusts for maintenance of child or young person.

(2) An appeal shall lie from an order of a court of summary jurisdiction under this section to quarter sessions.

## PART V.

### HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.

**92.** In this Part of this Act the expression “voluntary home” means any home or other institution for the boarding, care, and maintenance of poor children or young persons, being a home or other institution supported wholly or partly by voluntary contributions, but does not include any institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of those Acts are received therein.

Definition of voluntary homes.

**93.**—(1) It shall be the duty of the person in charge of any voluntary home to send the prescribed particulars with respect to the home to the Secretary of State within three months after the commencement of this Act, or in the case of a home established after the commencement of this Act within three months from the establishment

Notification of particulars with respect to voluntary homes.

**A.D. 1933.** of the home and to send such particulars in every subsequent year before such date as may be prescribed.

**PART V.**  
—*cont.*

(2) If default is made in sending the prescribed particulars with respect to any voluntary home in accordance with the requirements of this section, the person in charge of the home shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which the default continues after conviction.

**Inspection  
of volun-  
tary homes.**

**94.**—(1) The Secretary of State may cause any voluntary home to be inspected from time to time, unless the home is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

(2) The Secretary of State may, with the consent of the council of any county, county borough, or county district, appoint officers of that council to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any voluntary home shall have power to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children and young persons therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

**Control over  
voluntary  
homes.**

**95.**—(1) If the Secretary of State is satisfied that the management of any voluntary home, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the home such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the home.

A direction under this subsection—

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- (a) may be served on the persons responsible for the management of a home by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the home;

PART V.  
—cont.

- (b) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the home is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served upon the person in charge of the home and upon such other persons as the court may direct, and upon the hearing of the summons may, if the court thinks fit, make an order for the removal of all children and young persons from the home :

Provided that—

- (a) such an order shall not be made unless the court is satisfied that the welfare of some of the children or young persons is endangered ;
- (b) the court may, if it thinks fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order and the direction shall have effect accordingly.

(3) An order for the removal of all children and young persons from a voluntary home shall operate as an authority to any person named in the order, and to any constable, to enter the home and to remove the children and young persons therein to a place of safety ; and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from a voluntary home, the home shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly

A.D. 1933. permits it to be so used shall, on summary conviction, be  
 — liable to a fine not exceeding five pounds and to a further  
 PART V. fine not exceeding twenty shillings in respect of each  
 —cont. day during which the user continues after conviction.

## PART VI.

## SUPPLEMENTAL.

*Local Authorities.*

Provisions  
as to local  
authorities.

**96.**—(1) Subject to the modifications hereinafter contained as to the City of London, where any powers or duties are by this Act conferred or imposed on local authorities (by that description), those powers and duties shall, as respects children, be powers and duties of local education authorities for elementary education and, as respects other persons, be powers and duties of councils of counties and county boroughs :

Provided that—

- (a) the attainment of the age of fourteen years by a person who has previously been ordered to be sent to an approved school, or to be committed to the care of a fit person, shall not divest or relieve any local education authority for elementary education of any powers or duties in respect of him, or confer or impose any powers or duties in respect of him upon the council of any county or county borough ;
- (b) the council of an urban district (whether a borough or not) who have under the Education Act, 1921, or the Acts repealed by that Act, relinquished in favour of the council of the county all their powers and duties as a local education authority for elementary education, shall for the purposes of this Act be deemed not to be a local education authority for elementary education, and their district shall for the purposes of this Act be deemed to be part of the area of the county council.

(2) A county council may arrange with the councils of urban districts, whether boroughs or not, within the county which are local education authorities for elementary education for the exercise and performance by those councils within their respective areas of such of the

powers and duties of the county council under this Act and on such terms as to payment and otherwise, as may be agreed.

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PART VI.

—cont.

An arrangement under this subsection may provide for the exercise and performance of powers and duties by the urban district council either instead of, or as agents for, the county council, but notwithstanding anything in any such arrangement every county council shall remain accountable to the Secretary of State for all contributions paid in their county by parents and other persons in respect of persons committed to the care of local authorities or ordered to be sent to approved schools.

(3) Expenses incurred by a local authority in connection with powers and duties which are, under this Act, exercised and performed by them as local education authorities for elementary education shall be defrayed as expenses of elementary education under the Education Act, 1921.

(4) Expenses incurred under this Act by the council of a county or county borough, exclusive of any expenses to be defrayed under the last foregoing subsection as expenses of elementary education under the Education Act, 1921, shall be defrayed—

- (a) in the case of expenses incurred by the council in their capacity of poor law authority, as expenses of administering the Poor Law Act, 1930; and
- (b) in any other case, as expenses for general county purposes or, as the case may be, out of the general rate.

(5) A local authority may, for the purposes of their functions under this Act, acquire, dispose of, or otherwise deal with land—

- (a) in the case of a county council, in like manner as for the purposes of their other functions, and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;
- (b) in the case of the council of a county borough or urban district, in like manner as for the purposes of the Public Health Act, 1875, and

51 & 52 Vict.  
c. 41.

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PART VI.

—cont.

sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly.

(6) A local authority may borrow for the purposes of this Act—

(a) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929; and

(b) in the case of the council of a county borough or urban district, as for the purposes of the Public Health Acts, 1875 to 1926.

(7) Subject to the provisions of section four of the Education Act, 1921 (which require certain matters to be referred to education committees) a local authority may refer to a committee appointed for the purposes of this Act, or to any committee appointed for the purposes of any other Act, any matter relating to the exercise by the authority of any of their powers under this Act and may delegate any of the said powers (other than any power to borrow money) to any such committee.

(8) A local authority, or a committee to whom any powers of a local authority under this Act have been delegated, may by resolution empower the clerk or the chief education officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

Modifica-  
tions of last  
foregoing  
section as  
to City of  
London.

**97.** The last foregoing section shall, in its application to the City of London, have effect subject to the modifications that the powers and duties of a local authority under this Act as respects young persons, and as respects street trading and employment, shall be powers and duties of the Common Council and any expenses of the Common Council shall be defrayed out of the general rate :

Provided that—

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- (a) the powers and duties of a local authority with respect to the granting of licences for children to take part in entertainments shall be powers and duties of the London County Council in their capacity as local education authority for elementary education; and
- (b) nothing in this section shall exempt the City of London from the liability to contribute towards the expenses incurred by the London County Council as local authority under this Act, but the London County Council shall in each year repay to the Common Council any contributions paid by the Common Council in respect of persons under the care of the managers of an approved school.

PART VI  
—cont.

98.—(1) A local authority or a poor law authority may institute proceedings for any offence under this Act, or under Part I of the Children Act, 1908.

Institution  
of proceed-  
ings by local  
or poor law  
authorities.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under this Act.

### *Supplementary Provisions as to Legal Proceedings.*

99.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall for the purposes of this Act be deemed not to be a child or young person.

Presump-  
tion and  
determina-  
tion of age.



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PART VI.  
—cont.

(2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

Evidence of  
wages of  
defendant.

100. In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Application  
of Summary  
Jurisdiction  
Acts.

101.—(1) Subject to the provisions of this Act, all orders of a court of summary jurisdiction, whether a petty sessional court or not, under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary

Jurisdiction Acts, and the power of making rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

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PART VI.  
—cont.

(2) The provisions of section twenty-nine of the Summary Jurisdiction Act, 1879, with respect to the laying of rules before Parliament shall apply in relation to rules made by the Lord Chancellor under this Act as they apply in relation to rules made by him under the said section.

102.—(1) Appeals to quarter sessions from orders of a court of summary jurisdiction under this Act may be brought in the following cases and by the following persons, that is to say— Appeals to quarter sessions.

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to an approved school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or his parent or guardian on his behalf;
- (b) in the case of an order requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognisance;
- (c) in the case of an order requiring a person to contribute in respect of a child or young person, by the person required to contribute;
- (d) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payments;
- (e) in the case of an order requiring the owner of an automatic machine for the sale of tobacco or the person on whose premises such a machine is kept, to take precautions to prevent the machine

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PART VI.

—cont.

being extensively used by persons apparently under the age of sixteen years or to remove the machine, by any person aggrieved;

- (f) in the case of an order under subsection (2) of section ninety-five of this Act directing the removal of children and young persons from a voluntary home or, in the case of a refusal to make such an order, by any person aggrieved,

and, in relation to an appeal from a refusal to make an order under the said subsection (2), the refusal shall be deemed to be an order.

(2) Nothing in this section shall be construed as affecting the rights of appeal to quarter sessions conferred by sections fifty-five, fifty-six, ninety, and ninety-one of this Act or any other right of appeal conferred by this or any other Act.

*Supplementary Provisions as to Secretary of State.*

Power of  
Secretary of  
State to  
appoint  
inspectors.

**103.** The Secretary of State may appoint for the purposes of the enactments relating to children and young persons a chief inspector, and such number of inspectors to act under the direction of the chief inspector as the Treasury may approve, and may pay to the persons so appointed such remuneration and allowances as with the consent of the Treasury he may determine, and they shall perform such duties as the Secretary of State may from time to time direct.

Exchequer  
grants and  
expenses of  
Secretary of  
State.

**104.**—(1) There shall be paid out of money provided by Parliament—

- (a) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(i) the expenses of the managers of an approved school;

(ii) the expenses of a local authority in respect of children and young persons committed to their care;

(iii) the expenses of a council of a county or county borough in respect of remand homes;

- (b) any sums by which any education grants under any other Act are increased by reason of the additional powers and duties conferred or imposed by this Act upon local education authorities for elementary education; A.D. 1933.  
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PART VI.  
—cont.
- (c) any expenses incurred by the Secretary of State in the administration of this Act.

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

### *General.*

**105.** An Order in Council under this Act may be revoked or varied by any subsequent Order in Council. Variation of Orders in Council.

**106.**—(1) An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary. Provisions as to documents, &c.

(2) A document purporting to be a copy—

- (a) of an order made by a court under or by virtue of any of the provisions contained in sections fifty-six, fifty-seven and sixty-two to ninety of this Act or in the Fourth Schedule to this Act; or
- (b) of an order made after the commencement of this Act under section forty-five of the Education Act, 1921, sending a person to an

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PART VI.

—cont.

approved school or committing him to the care of a fit person; or

(c) of an affiliation order referred to in an order under section eighty-eight of this Act,

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(3) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate, and the grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

(4) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(5) An order, licence, or other document may be authenticated on behalf of the managers of an approved school, if they are a local authority or a joint committee representing two or more local authorities, by the signature of their clerk or some other officer of the local authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the headmaster.

Interpre-  
tation.

107.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“Approved school” means a school approved by the Secretary of State under section seventy-nine of this Act;

“Approved school order” means an order made by a court sending a child or young person to an approved school;

- “ Chief officer of police ” means as regards the city of London, the Commissioner of the City Police, as regards other parts of England has the same meaning as in the Police Act, 1890, as regards Scotland has the same meaning as in the Police (Scotland) Act, 1890, and as regards Northern Ireland means a district inspector of the Royal Ulster Constabulary; A.D. 1933.  
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PART VI.  
—cont.  
53 & 54 Vict.  
c. 45.  
53 & 54 Vict.  
c. 67.
- “ Child ” means a person under the age of fourteen years;
- “ Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;
- “ In need of care or protection ” has the meaning assigned to it by section sixty-one of this Act;
- “ Intoxicating liquor ” means any fermented, distilled or spirituous liquor which cannot according to any law for the time being in force be legally sold without a licence from the Commissioners of Customs and Excise;
- “ Legal guardian ” in relation to a child or young person, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;
- “ Managers,” in relation to an approved school established or taken over by a local authority or by a joint committee representing two or more local authorities, means the local authority or the joint committee as the case may be, and in relation to any other approved school, means the persons for the time being having the management or control thereof;
- “ Metropolitan police court area ” means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;
- “ Place of safety ” means any remand home, work-house, or police station, or any hospital, surgery, or any other suitable place, the occupier of

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PART VI.  
—cont.

which is willing temporarily to receive a child or young person;

“Police authority” means as respects the city of London, the common council, and elsewhere has the same meaning as in the Police Act, 1890;

“Poor law authority” means the council of a county or county borough and includes also a joint committee of two or more such councils established under section three of the Poor Law Act, 1930;

“Prescribed” means prescribed by regulations made by the Secretary of State;

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(3) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

Transitory  
provisions.  
52 & 53 Vict.  
c. 63.

22 & 23  
Geo. 5. c. 46.

108.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by the Children and Young Persons Act, 1932, and by this Act.

(2) References in any Act to places of detention provided under section one hundred and eight of the Children Act, 1908, shall be construed as references to remand homes provided under this Act.

(3) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the Children Act, 1908, shall be construed as including references to orders of the like nature made under this Act.

(4) References in any Act or other document to juvenile courts under the Children Act, 1908, shall be construed as including references to such courts under this Act.

(5) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act (except references in Part VI of the Children Act, 1908, or Part VI of the Children and Young Persons Act, 1932) shall be construed as including references to the corresponding provision of this Act.

(6) The reference in the First Schedule to this Act to any offence under sections one, two, three, eleven or twenty-three of this Act shall be construed as including a reference to any offence under the Dangerous Performances Acts, 1879 and 1897, or under Part II of the Children Act, 1908.

**109.**—(1) This Act may be cited as the Children and Young Persons Act, 1933.

(2) This Act, except section nineteen thereof, shall come into operation on the first day on which, by virtue of orders made by the Secretary of State under subsection (3) of section ninety of the Children and Young Persons Act, 1932, all the provisions of that Act, except section fifty-one thereof, will be in operation in England.

(3) Save as therein otherwise expressly provided, this Act shall not extend to Scotland or Northern Ireland.

(4) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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PART VI.  
—cont.Short title,  
commence-  
ment,  
extent and  
repeals.



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## SCHEDULES.

### FIRST SCHEDULE.

Sections 13,  
14, 15, 40,  
41, 42, 43,  
63, 67, 99  
and 108.

#### OFFENCES AGAINST CHILDREN AND YOUNG PERSONS, WITH RESPECT TO WHICH SPECIAL PROVISIONS OF THIS ACT APPLY.

The murder or manslaughter of a child or young person.

Infanticide.

24 & 25 Vict.  
c. 100. Any offence under sections twenty-seven, fifty-five, or  
fifty-six of the Offences against the Person Act, 1861, and any  
offence against a child or young person under sections five,  
forty-two, forty-three, fifty-two or sixty-two of that Act, or  
under the Criminal Law Amendment Act, 1885.

Any offence under the Punishment of Incest Act, 1908,  
in respect of a child or young person.

Any offence under sections one, two, three, four, eleven or  
twenty-three of this Act.

Any other offence involving bodily injury to a child or young  
person.

Section 45.

### SECOND SCHEDULE.

#### CONSTITUTION OF JUVENILE COURTS.

##### *Outside Metropolitan Areas.*

1.—(1) The provisions of this paragraph shall have effect  
with respect to juvenile courts outside the metropolitan police  
court area and the City of London.

(2) Subject to the provisions of the next following sub-  
paragraph, a panel of justices specially qualified for dealing  
with juvenile cases shall be formed for the purposes of this  
Act in every petty sessional division, and no justice shall  
be qualified to sit as a member of a juvenile court unless he is  
a member of such a panel.

(3) The Secretary of State, after considering any representations made to him by the justices of the petty sessional divisions concerned, may by order direct that there shall be only one panel for any two or more petty sessional divisions and may by the same or a subsequent order provide for sittings of juvenile courts constituted from that panel being held at such places, whether within or without the petty sessional division for which the court is for the time being acting, as may be specified in the order.

An order under this sub-paragraph may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(4) Rules made by the Lord Chancellor shall provide—

- (a) for the formation and periodical revision of panels of justices;
- (b) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;
- (c) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

*In Metropolitan Police Court Area.*

2.—(1) His Majesty may by Order in Council specify as respects the metropolitan police court area the places (which, notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, may be places other than police courts) in which juvenile courts are to sit, and assign as a division to each such place such portion of that area as may be specified in the Order.

(2) Every juvenile court in the metropolitan police court area shall be constituted of a metropolitan police magistrate nominated by the Secretary of State to act as chairman of juvenile courts within the said area and two justices of the peace for the county of London, one of whom shall be a woman, and both of whom shall be selected, in such manner as may be directed by Order in Council, from a panel of such justices nominated from time to time by the Secretary of State :

Provided that—

- (a) if for special reasons the Secretary of State considers it advisable so to do, he may nominate such a justice of the peace as aforesaid to act as a chairman of juvenile courts within the said area; and

A.D. 1933.

—  
2ND SCH.  
—cont.

A.D. 1933.

2ND SCH.

—cont.

(b) if at any time, by reason of illness or other emergency, no person so nominated is available to act as chairman of a juvenile court, any metropolitan police magistrate although not so nominated, or, with the consent of the Secretary of State, any justice of the peace selected from the panel, may act temporarily as chairman; and

(c) where it appears to the chairman that the court cannot without adjournment be fully constituted, and that the adjournment would be inexpedient in the interests of justice, he may sit with one justice selected from the panel (whether a man or a woman) or, if he is a metropolitan police magistrate, may sit alone.

(3) The Secretary of State, in nominating the chairmen of juvenile courts and the members of a panel, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

(4) An Order in Council made under this paragraph may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order.

*In the City of London.*

3. Juvenile courts for the City of London shall be constituted in such manner as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

Section 60.

### THIRD SCHEDULE.

#### AMENDMENTS OF CERTAIN ENACTMENTS RELATING TO CRIMINAL PROCEEDINGS AND COURTS OF SUMMARY JURISDICTION.

Enactment.	Amendment.
42 & 43 Vict. c. 49. Summary Jurisdiction Act, 1879.	For section ten there shall be substituted the following section:— “ 10.—(1) A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may, without consulting the parent or guardian of

Enactment.

Amendment.

A.D. 1933.

3RD SCH.  
—*cont.*

the child, deal with him summarily and shall so deal with him unless some other person who is charged jointly with him and is not a child is committed for trial, in which case the court may, if in the interests of justice they think it necessary so to do, also commit the child for trial.

- (2) A court of summary jurisdiction who deal summarily with a child in respect of an indictable offence shall, in addition to any other powers exercisable by virtue of this or any other Act, have power to impose a fine not exceeding forty shillings and when the child is a male, to adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable, in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child."

In subsection (2) of section eleven the words "by the evidence" shall be omitted.

In subsection (3) of section seventeen the words from "unless the parent or guardian" to the end of the subsection shall be omitted.

In section forty-nine, for the definitions of child and young person there shall be substituted the following definitions—

"The expression 'child' means a person who in the opinion of the court before whom he is brought is under the age of fourteen years.

The expression 'young person' means a person who in the opinion of the court before whom he is brought is of the age of fourteen years and under the age of seventeen years."

A.D. 1933.

Enactment.

Amendment.

3RD SCH.  
—cont.7 Edw. 7. c. 17. Pro-  
bation of Offenders  
Act, 1907.At the end of subsection (2) of section  
two there shall be inserted the following  
proviso—

“ Provided that—

(a) it shall not be made a condition of a recognisance that a person under the age of seventeen years shall reside in any institution which is not subject to inspection by the Secretary of State unless he is while residing in the institution to be employed, or to seek employment, outside it; and

(b) where it is made a condition of a recognisance that a person under the age of seventeen years shall reside in any institution the court by which the probation order is made shall forthwith give notice of the terms of the order to the Secretary of State; and

(c) where such residence as aforesaid has, in the case of a person under the age of seventeen years, been made a condition of a recognisance the Secretary of State may at any time, if he considers that it is in the interests of that person so to do, cause an application to be made to the court before which he is bound by his recognisance to appear, and thereupon that court may vary the conditions of the recognisance by excluding therefrom the condition as to residence, or by substituting the name of some other institution.”

In subsection (5) of section six for the words “if the case was one in which the court in the first instance might under section fifteen of the Industrial Schools Act, 1866, have ordered the offender to be sent to a certified industrial school and the offender is still apparently under the age of twelve years” there shall be

## Enactment

## Amendment.

A.D. 1933.

3RD SCH.  
—cont.

substituted the words "if the case was  
" one in which the court had power to  
" make an order sending him to an  
" approved school and he is still under  
" the age of seventeen years."

11 & 12 Geo. 5. c. 51.  
Education Act,  
1921.

For section forty-five there shall be  
substituted the following section—

"Proceedings  
on disobe-  
dience of  
order of court  
for attendance  
at school.

45.—(1) Where a school attendance  
order is not complied with, without any  
reasonable excuse, a court of summary  
jurisdiction, on complaint made by the  
local education authority, may, if they  
think fit, order as follows :—

(a) in the first case of non-compliance  
if the parent of the child does not  
appear, or appears and fails to satisfy  
the court that he has used all reason-  
able efforts to enforce compliance  
with the order, the court may impose  
a fine not exceeding with the costs  
twenty shillings; but if the parent  
satisfies the court that he has used  
all reasonable efforts as aforesaid,  
the court may, without inflicting a  
fine, order the child to be sent to an  
approved school or to be committed  
to the care of a fit person in accord-  
ance with the provisions of the  
Children and Young Persons Act,  
1933; and

(b) in the second or any subsequent case  
of non-compliance with the order,  
the court may order the child to be  
sent to an approved school or to be  
committed to the care of a fit person  
in accordance with the provisions of  
the Children and Young Persons Act,  
1933, and may further in their dis-  
cretion inflict any such fine as afore-  
said, or they may for each such non-  
compliance inflict any such fine as  
aforesaid without ordering the child  
to be so sent or committed as  
aforesaid :

A.D. 1933.

Enactment.

Amendment.

3RD SCH.  
—cont.

Provided that a complaint under this section with respect to a continuing non-compliance with a school attendance order shall not be repeated by the local education authority at any less interval than two weeks.

(2) Where an order is made under this section either sending a child to an approved school, or committing him to the care of a fit person, the provisions of the Children and Young Persons Act, 1933, shall apply in relation to the order as if it were an order made under that Act."

15 & 16 Geo. 5. c. 86.  
Criminal Justice  
Act, 1925.

In subsection (4) of section twenty-four, for the word "sixteen" there shall be substituted the word "seventeen."

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## FOURTH SCHEDULE.

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### PROVISIONS AS TO ADMINISTRATION OF APPROVED SCHOOLS AND TREATMENT OF PERSONS SENT THERETO.

#### *General Provisions.*

1.—(1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

#### *Treatment of Pupils.*

3. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State, for the purpose of affording him religious assistance and instruction.

4. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section nine of the Mental Deficiency Act, 1913, be deemed to be detained in the school.

A.D. 1933.

—  
4TH SCH.  
—cont.3 & 4 Geo. 5.  
c. 28.*Power to Place out Pupils.*

5. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the Secretary of State so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him :

Provided that, without the consent of the Secretary of State, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Secretary of State shall through his inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Secretary of State, arrange for his emigration.



A.D. 1933.

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4TH SCH.  
—cont.

Before exercising their powers under this paragraph the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

*Misconduct of Pupils.*

8. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Secretary of State so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (a) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or
- (c) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

*Discharge and Transfer.*

9.—(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or with the consent of the Scottish Education Department, to the care of the managers of a school in Scotland which is an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1932.

22 & 23  
Geo. 5. c. 47.

(2) Upon a person being so discharged or transferred as aforesaid, the Secretary of State shall cause notice to be sent to the local authority liable to make contributions in respect of him.

(3) Where a person is transferred under the foregoing provisions of this paragraph to the care of the managers of a school in Scotland, the provisions of this Act relating to contributions by parents, guardians and others, and local authorities, shall apply in respect of him as if the school in Scotland were an approved school within the meaning of this Act, and if under the law in force in Scotland he is retransferred to the care of the managers of a school in England which is an approved school within the meaning of this Act, this Act shall have effect in relation to the retransfer as if it were a

transfer under this paragraph from the care of the managers of one approved school in England to the care of the managers of another approved school in England.

A.D. 1933.

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4TH SCH.  
—cont.

10. The provisions of section sixty-eight of this Act (which relate to religious persuasion) shall apply in relation to the transfer of persons to approved schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

*Powers and duties of Managers and other Persons  
in Charge of Pupils.*

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in them :

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

- (a) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or
- (b) is authorised by a local or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid have all the powers, protection, and privileges of a constable.

A.D. 1933.

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4TH SCH.  
—cont.*Superannuation of Officers.*

14. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(a) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(b) a gratuity to any dependant of an officer who has died in the service of the school :

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

Section 108.

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**FIFTH SCHEDULE.**

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**TRANSITORY PROVISIONS.**

1. Any Order in Council, order, or regulation made, any certificate given, any deposition taken, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done, under the corresponding provisions of this Act.

2. Any rule, byelaw, warrant or licence under any enactment repealed either by the Children and Young Persons Act, 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act :

Provided that this paragraph shall not apply to rules made under section fifty-four of the Children Act, 1908 (hereinafter referred to as the Act of 1908) for the management and discipline of a certified school or to byelaws made under section ninety-one of the Education Act, 1921, with respect to street trading.

3. Any person who at the commencement of the Act of 1932 is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

A.D. 1933.

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5TH SCH.  
—cont.

4. Nothing in this Act or in the Act of 1932 shall render invalid any summons pending at the commencement of that Act for bringing a child or young person before a petty sessional court with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the petty sessional court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

5. Where before the commencement of the Act of 1932 an order has been made under the Act of 1908 or under section forty-five of the Education Act, 1921, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order were an order made under this Act :

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if neither this Act nor the Act of 1932 had passed.

6. This Act shall apply in relation to a school which at the commencement of the Act of 1932 was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

7. The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which on the twelfth day of July nineteen hundred and thirty-two was a certified day industrial school, and if he so approves any such school the provisions of this Act shall apply in relation to that school and to children previously sent or thereafter to be sent thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

8. Where a child or young person had at the commencement of the Act of 1932 been ordered to be sent to a certified school but has not reached his school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to a school, and with respect to his custody in the meantime, as might have been had or done if neither this Act nor the Act of 1932 had passed.

A.D. 1933.

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5TH SCH.  
—cont.

9. Subject to the provisions of this Schedule, this Act shall apply in relation to persons who at or after the commencement of the Act of 1932 are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if neither this Act nor the Act of 1932 had passed.

10. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the local authority named in that order as being the authority within whose district he was resident: and if in any such case as aforesaid—

- (a) it had not been determined at the commencement of the Act of 1932 who are the authority who are responsible as aforesaid; or
- (b) proceedings might but for the passing of this Act and the Act of 1932 have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if neither this Act nor the Act of 1932 had passed.

11. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school at the instance of a poor law authority or of the managers of a district poor law school, the poor law authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

12. Where before the commencement of the Act of 1932 a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of

the said Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

A.D. 1933.

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5TH SER.  
—cont.

13. Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

- (a) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;
- (b) if the managers are not a local authority, as if he were out on licence from the school.

14. Where before the commencement of the Act of 1932 a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section sixty-six of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the recognisance shall cease to have effect.

15. The repeal by the Act of 1932 of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

A.D. 1933.

**SIXTH SCHEDULE.**

Section 109.

**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67.	The Children Act, 1908.	Sections twelve to seventeen, nineteen, twenty-four, twenty-seven to thirty-two, thirty-five, and thirty-seven; subsection (2) of section thirty-eight; sections thirty-nine to forty-three, ninety-four, ninety-five, ninety-seven to one hundred and six, one hundred and nine, and one hundred and fourteen to one hundred and twenty-one; in section one hundred and twenty-three, subsection (1); in subsection (2) the words "or indictment," from the words "or any of the offences" to the words "Criminal Law Amendment Act, 1885," the words "by or," the words "was a child or young person or" and the words "a child or young person or to have been," wherever those words occur; and subsections (3) and (4); section one hundred and twenty-four; in section one hundred and twenty-seven the words "or young person" wherever those words occur; sections one hundred and twenty-eight and one hundred and thirty; in section one hundred and thirty-one the definitions of "guardian," "local education authority," "police authority," "street," "public place," and "intoxicating liquor," and in the

A.D. 1933.

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6TH SCH.  
—*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67. <i>cont.</i>	- . .	definitions of "legal guardian" and "place of safety" the words "child or young person"; and the First Schedule.
10 Edw. 7. & 1 Geo. 5. c. 25.	The Children Act (1908) Amendment Act, 1910.	The whole Act.
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Subsection (2) of section twenty-eight.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty-eight.
20 & 21 Geo. 5. c. 21.	The Children (Employment Abroad) Act, 1930.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
22 & 23 Geo. 5. c. 46.]	The Children and Young Persons Act, 1932.]	Sections one to sixty-three; section sixty-four, as well in its application to Northern Ireland as in its application to England; in section seventy from the words "and in the definitions" to the end of the section; sections seventy-one to seventy-six, seventy-eight, sections eighty to eighty-six; in subsection (1) of section eighty-seven the definitions of "Chief Officer of Police," "Metropolitan Police Court Area," "needing care or protection," and "prescribed," and subsections (2), (3) and (4) of that section; section eighty-eight; in subsection (2) of section ninety the words "save as otherwise expressly provided;" the First Schedule; the Second Schedule, except so far as it relates to the following provisions of the Children Act, 1908, that is to say, sections one, two, three,



A.D. 1933.

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6TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 46— <i>cont.</i>	- - -	eight and nine, subsection (2) of section one hundred and twenty-three, and the definitions in section one hundred and thirty-one of "young person," "legal guardian," "place of safety," "police fund" and "common fund"; and the Third and Fourth Schedules.
22 & 23 Geo. 5. c. 47.	The Children and Young Persons (Scotland) Act, 1932.	Section fifty-eight.

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# Children and Young Persons Act, 1933.

[23 GEO. 5. CH. 12.]

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## ARRANGEMENT OF SECTIONS.

A.D. 1933.

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##### Section

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A.D. 1933.  

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*Supplemental.*A.D. 1933.  
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*General.*A.D. 1933.  

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Third Schedule.—Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

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## CHAPTER 12.

An Act to consolidate certain enactments relating to persons under the age of eighteen years. A.D. 1933.

[13th April 1933.]

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### PART I.

#### PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.

##### *Offences.*

1.—(1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour, and shall be liable—

Cruelty  
to persons  
under six-  
teen.

- (a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding two years;

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PART I.  
—*cont.*

- (b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) For the purposes of this section—
- (a) a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the Acts relating to the relief of the poor;
- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.
- (3) A person may be convicted of an offence under this section—
- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the child or young person in question.
- (4) Upon the trial of any person who has attained the age of sixteen years and is indicted for infanticide or for the manslaughter of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

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PART I.  
—cont.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that that sum of money was accruing or becoming payable, then—

(a) in the case of a conviction on indictment, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years; and

(b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) For the purposes of the last foregoing subsection :—

(a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and

(b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

2.—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, her, he shall be guilty of a misdemeanour

Causing or encouraging seduction or prostitution of girl under sixteen.

A.D. 1933. and shall be liable to imprisonment for any term not exceeding two years.

PART I.  
—cont.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Allowing  
persons  
under  
sixteen to be  
in brothels.

3.—(1) If any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment, or on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

48 & 49 Vict.  
c. 69.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Causing or  
allowing  
persons  
under six-  
teen to be  
used for  
begging.

4.—(1) If any person causes or procures any child or young person under the age of sixteen years or, having the custody, charge, or care of such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months.

(2) If a person having the custody, charge, or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person

charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

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PART I.  
—cont.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

5. If any person gives, or causes to be given, to any child under the age of five years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

Giving in-  
toxicating  
liquor to  
children  
under five.

6.—(1) The holder of the licence of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises during the permitted hours.

Causing or  
allowing  
children to  
be in bars  
of licensed  
premises.

(2) If the holder of a licence acts in contravention of this section, or if any person causes, or procures, or attempts to cause or procure, any child to go to, or to be in, the bar of any licensed premises during the permitted hours, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises during the permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he had used due diligence to prevent the child from being admitted to the bar or that the child had apparently attained the age of fourteen years.

(4) Nothing in this section shall apply in the case of any child who is—

- (a) a child of the licence holder; or
- (b) resident but not employed in the licensed premises; or
- (c) in the bar of licensed premises solely for the purpose of passing to or from some other part of the premises, being a part to or from which

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PART I.  
—cont.

there is no other convenient means of access or egress and not being itself a bar; or

- (d) in any railway refreshment rooms or other premises constructed, fitted and intended to be used in good faith for any purpose to which the holding of a licence is merely auxiliary.

(5) In this section the expression “bar” in relation to any licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor, and the expressions “licence,” “licensed premises” and “permitted hours” have the same meanings as in the Licensing Acts, 1910 to 1923.

Sale of  
tobacco, &c.,  
to persons  
under six-  
teen.

7.—(1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds :

Provided that a person shall not be guilty of an offence under this section in respect of any sale of tobacco otherwise than in the form of cigarettes, if he did not know and had no reason to believe that the tobacco was for the use of the person to whom it was sold.

(2) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises is being extensively used by persons apparently under the age of sixteen years, the court may order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or

cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.

(4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(5) For the purposes of this section the expression "tobacco" includes cigarettes and smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

8. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872.

A.D. 1933.

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PART I.  
—cont.Taking  
pawns from  
persons under  
fourteen.35 & 36 Vict.  
c. 93.

9.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

Purchase  
of old metals  
from per-  
sons under  
sixteen.  
34 & 35 Vict.  
c. 112.  
57 & 58 Vict.  
c. 60.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

10.—(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall, unless he proves that the

Vagrants  
preventing  
children



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PART I.  
—cont.from  
receiving  
education.11 & 12  
Geo. 5 c. 51.

child is totally exempted from school attendance or that the child is not, by being so taken with him, prevented from receiving efficient elementary education, be liable on summary conviction to a fine not exceeding with costs twenty shillings :

Provided that this provision shall not apply to a child in a canal boat for whose education provision is made under section fifty of the Education Act, 1921.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of this Act.

(3) Without prejudice to the requirements of the Education Act, 1921, as to school attendance or to proceedings thereunder, this section shall not, during the months of April to September inclusive, apply to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, if a certificate has been obtained that the child has made not less than two hundred attendances at a public elementary school during the months of October to March immediately preceding.

(4) The Board of Education shall have power to make regulations as to the issue of certificates of attendance for the purposes of the last foregoing subsection, and any such regulations shall be laid before Parliament as soon as may be after they are made.

Exposing  
children  
under seven  
to risk of  
burning.

11. If any person who has attained the age of sixteen years, having the custody, charge or care of any child under the age of seven years, allows the child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds :

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

12.—(1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

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PART I.

—cont.

Failing to  
provide for  
safety of  
children at  
entertain-  
ments.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence fifty pounds, and in the case of a second or subsequent offence one hundred pounds, and also, if the building in which the entertainment is given is licensed under the Cinematograph Act, 1909, or under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.

9 Edw. 7.,  
c. 30.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.

(5) The institution of proceedings under this section shall—

(a) in the case of a building licensed by the Lord Chamberlain, or licensed by the council of a

A.D. 1933.

PART I.  
—cont.

county or county borough under the Cinematograph Act, 1909, or under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, be the duty of the council of the county or county borough in which the building is situated; and

(b) in any other case, be the duty of the police authority.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

*Special Provisions as to Prosecutions for Offences specified in First Schedule.*

Power to  
take offen-  
ders into  
custody.

13.—(1) Any constable may take into custody, without warrant—

(a) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and residence;

(b) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Act, if the constable has reasonable ground for believing that that person will abscond or does not know and cannot ascertain his name and address.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which the person is brought, shall, unless in his belief the release of the person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in the judgment of the officer of police be required to secure his attendance upon the hearing of the charge.

Mode of  
charging  
offences and  
limitation  
of time.

14.—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the

person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each child or young person except upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When any offence mentioned in the First Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

15. As respects proceedings against any person for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if the Schedule to that Act included references to those offences.

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PART I.  
—cont.Evidence of  
husband or  
wife of  
accused  
person.  
61 & 62  
Vict. c. 36.*Supplemental.*

16. Every misdemeanour under this Part of this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859.

Application of  
Vexatious  
Indictments Act,  
22 & 23 Vict.  
c. 17.

17. For the purposes of this Part of this Act—

Interpre-  
tation of  
Part I.

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and

A.D. 1933.

PART I.  
—cont.

mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person;

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person;

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

## PART II.

## EMPLOYMENT.

*General Provisions as to Employment.*

Restrictions  
on employ-  
ment of  
children.

18.—(1) Subject to the provisions of this section and of any byelaws made thereunder no child shall be employed—

- (a) so long as he is under the age of twelve years; or
- (b) before the close of school hours on any day on which he is required to attend school; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day; or
- (d) for more than two hours on any day on which he is required to attend school; or
- (e) for more than two hours on any Sunday; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him.

(2) A local authority may make byelaws with respect to the employment of children, and any such byelaws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

(a) authorising—

(i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) by their parents or guardians in light agricultural or horticultural work;

(ii) the employment of children (notwithstanding anything in paragraph (b) of the

last foregoing subsection) for not more than one hour before the commencement of school hours on any day on which they are required to attend school;

A.D. 1933.

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PART II.  
—cont.

(b) prohibiting absolutely the employment of children in any specified occupation;

(c) prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

(iii) the intervals to be allowed to them for meals and rest;

(iv) the holidays or half-holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment;

so, however, that no such byelaws shall modify the restrictions contained in the last foregoing subsection save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such byelaws shall have effect in addition to the said restrictions.

(3) Nothing in paragraph (c) or in paragraph (d) of subsection (1) of this section, or in any byelaw made under this section, shall prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under the provisions of this Part of this Act.

19.—(1) Subject to the provisions of this section, a local authority may make byelaws with respect to the employment of persons under the age of eighteen years other than children, and any such byelaws may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

Power  
of local  
authority  
to make  
byelaws  
with respect  
to employ-  
ment of  
persons  
under  
eighteen  
other than  
children.

(a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed;

(b) the intervals to be allowed to them for meals and rest;

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PART II.  
—cont.

- (c) the holidays or half-holidays to be allowed to them;
  - (d) any other conditions to be observed in relation to their employment.
- (2) Nothing in this section shall empower a local authority to make byelaws with respect to—
- (a) employment in or about the delivery, collection, or transport of goods, except in the capacity of van boy, errand boy, or messenger;
  - (b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger;
  - (c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger;
  - (d) employment in agriculture;
  - (e) employment in domestic service, except as non-resident daily servant;
  - (f) employment in any ship or boat registered in the United Kingdom as a British ship or in any British fishing boat entered in the fishing boat register.
- (3) This section shall not come into operation until such date as may be appointed by an order of the Secretary of State, and the Secretary of State shall not make such an order until a draft thereof has been laid before both Houses of Parliament and has been approved by resolutions passed in the same session of Parliament by both Houses.

Street  
trading.

20.—(1) No person under the age of sixteen years shall engage or be employed in street trading :

Provided that byelaws made under this section may permit young persons who have not attained the age of sixteen years to be employed by their parents in street trading.

(2) A local authority may make byelaws regulating or prohibiting street trading by persons under the age of eighteen years, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

- (a) forbidding any such person to engage or be employed in street trading unless he holds a

- licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended, and revoked ;
- (b) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading ;
  - (c) requiring such persons so engaged or employed to wear badges ;
  - (d) regulating in any other respect the conduct of such persons while so engaged or employed.

A.D. 1933.

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PART II.  
—*cont.*

**21.—(1)** If a person is employed in contravention of any of the foregoing provisions of this Part of this Act, or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds :

Penalties  
and legal  
proceedings  
in respect  
of general  
provisions  
as to em-  
ployment.

Provided that, if proceedings are brought against the employer, the employer, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence ; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing subsection,

- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence ; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.



A.D. 1933.

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PART II.  
—cont.

(3) A person under the age of eighteen years, who engages in street trading in contravention of the provisions of the last foregoing section, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

*Entertainments and Performances.*

Restrictions  
on children  
taking part  
in enter-  
tainments.

22.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force thereunder, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall, on summary conviction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, a licence under this section shall not be necessary for a child to take part in an entertainment if—

- (a) he has not during the preceding six months taken part on more than six occasions in entertainments in connection with which any such charge as aforesaid was made; and
- (b) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters :

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any intoxicating liquor unless either—

- (i) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or
- (ii) special authority for the child to take part in the entertainment has been granted in writing under the hands of two justices of the peace.

(3) Subject to such restrictions and conditions as may be prescribed by rules made by the Board of

Education, a local authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area :

A.D. 1933.

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PART II.  
—cont.

Provided that—

(a) no licence shall be granted unless the local authority are satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and

(b) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(4) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the local authority within whose area the entertainment is to take place particulars of the licence and such other information as the Board of Education may by rules prescribe and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any local authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Board of Education, any such licence may at the request of the holder of the licence be varied or extended by any such local authority as aforesaid.

(6) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of a local authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local authority by this section.

23. No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance,

Prohibition  
against  
persons under  
sixteen taking  
part in per-  
formances  
endangering  
life or limb.

A.D. 1933. shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds:

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PART II.  
—*cont.*

Provided that no proceedings shall be taken under this subsection except by or with the authority of a chief officer of police.

Restrictions  
on training  
for perform-  
ances of a  
dangerous  
nature.

24.—(1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) A petty sessional court may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the person is, in accordance with the provisions of the licence, to be trained, and that officer may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) A licence under this section may, on cause being shown by any person, be revoked by a petty sessional court acting for the same petty sessional division or place as the court by which the licence was granted.

*Employment Abroad.*

A.D. 1933.

PART II.  
—cont.

25.—(1) No person having the custody, charge or care of any person under the age of eighteen years shall allow him, nor shall any person cause or procure any person under that age, to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, unless he has attained the age of fourteen years and a licence has been granted in respect of him under this section:

Restrictions on persons under eighteen going abroad for the purpose of performing for profit.

Provided that this subsection shall not apply in any case where it is proved that the person under the age of eighteen years was only temporarily resident within Great Britain and Ireland.

(2) A police magistrate may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the police magistrate thinks fit, for any person who has attained the age of fourteen years but is under the age of eighteen years to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, but no such licence shall be granted in respect of any person unless the police magistrate is satisfied—

- (a) that the application for the licence is made by or with the consent of his parent or guardian;
- (b) that he is going abroad to fulfil a particular engagement;
- (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;
- (d) that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

(3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police shall send that copy

A.D. 1933.

PART II.  
—cont.

to the police magistrate and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and the police magistrate shall not grant the licence unless he is satisfied that notice has been properly so given :

Provided that if it appears that the notice was given less than seven days before the making of the application, the police magistrate may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.

(4) A licence under this section shall not be granted for more than three months but may be renewed by a police magistrate from time to time for a like period, so, however, that no such renewal shall be granted, unless the police magistrate—

- (a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions of the licence are being complied with;
- (b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.

(5) A police magistrate—

- (a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient :
- (b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.

(6) The police magistrate to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing

of some matter or thing required to be done in a proceeding before a court of summary jurisdiction is enforceable.

A.D. 1933.

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PART II.  
—cont.

(7) If in any case where a licence has been granted under this section, it is proved to the satisfaction of a police magistrate that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return from abroad.

(8) Where a licence is granted, renewed or varied under this section, the police magistrate shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

(9) In this section the expression "police magistrate" means one of the following magistrates, that is to say—

- (a) the chief magistrate of the metropolitan police courts;
- (b) any magistrate of the metropolitan police court in Bow Street;
- (c) any stipendiary magistrate appointed by Order in Council to exercise jurisdiction under this section,

and the powers conferred by this section on a police magistrate shall in every case be exercisable by any of the magistrates aforesaid.

(10) This and the next following section extend to Scotland and to Northern Ireland.

**26.**—(1) If any person acts in contravention of the provisions of subsection (1) of the last foregoing section he shall be guilty of an offence under this section and be liable, on summary conviction, to a fine not exceeding one hundred pounds, or, alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months :

Punishment  
of contra-  
ventions  
of last  
foregoing  
section and  
proceedings  
with respect  
thereto.

A.D. 1933.

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PART II.  
—*cont.*

Provided that if he procured the person to go abroad by means of any false pretence or false representation, he shall be liable on conviction on indictment to imprisonment for any term not exceeding two years.

(2) Where, in proceedings under this section against a person, it is proved that he caused, procured, or allowed a person under the age of eighteen years to go abroad and that that person has while abroad been singing, playing, performing, or being exhibited, for profit, the defendant shall be presumed to have caused, procured, or allowed him to go abroad for that purpose, unless the contrary is proved :

Provided that where the contrary is proved, the court may order the defendant to take such steps as the court directs to secure the return of the person in question to the United Kingdom, or to enter into a recognisance to make such provision as the court may direct to secure his health, kind treatment, and adequate supervision while abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

(3) Proceedings in respect of an offence under this section or for enforcing a recognisance under this or the last foregoing section may be instituted at any time within a period of three months from the first discovery by the person taking the proceedings of the commission of the offence or, as the case may be, the non-observance of the restrictions and conditions contained in the licence, or, if at the expiration of that period the person against whom it is proposed to institute the proceedings is outside the United Kingdom, at any time within six months after his return to the United Kingdom.

(4) In any such proceedings as aforesaid, a report of any British consular officer and any deposition made on oath before a British consular officer and authenticated by the signature of that officer, respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under the last foregoing section shall, upon proof that the consular officer, or deponent, cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the

person appearing to have signed any such report or deposition. A.D. 1933.

(5) The wife or husband of a person charged with an offence under this section may be called as a witness either for the prosecution or defence, and without the consent of the person charged.

PART II.  
—cont.

(6) A constable or any person authorised by a justice of the peace may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go abroad in contravention of the provisions of the last foregoing section, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him.

### *Supplemental.*

27.—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs. Byelaws.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.

(3) Byelaws so made may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health Act, 1875, by a local authority, not being the council of a borough, may be proved, and section one hundred and eighty-six of that Act shall apply accordingly. 38 & 39 Vict.  
c. 55.

28.—(1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, other than those relating to employment abroad, or of a byelaw made under the said provisions, are being contravened with Powers of  
entry.



A.D. 1933.

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PART II.

—cont.

respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local authority or any constable may at any time during the currency of a licence granted under section twenty-two or twenty-four of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Savings.

**29.**—(1) The provisions of this Act imposing restrictions on employment or on the taking part by children in entertainments, other than those relating to employment abroad, and the provisions of any byelaws made under this Part of this Act, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

(2) The said provisions shall not affect the provisions of Part IV of the Education Act, 1921, with respect to school attendance or the provisions of sections ninety-three, ninety-four and ninety-five of that Act with respect to the employment of children and young persons.

(3) The said provisions shall not apply to a person detained in an approved school.

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to

employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

A.D. 1933.

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PART II.  
—cont.

**30.** For the purposes of this Part of this Act and of any byelaws made thereunder—

Interpreta-  
tion of  
Part II.

A person who is attending a public elementary school and who attains the age of fourteen years during a school term shall not (except for the purposes of the provisions relating to employment abroad) be deemed to cease to be a child until the end of that term;

The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;

The expression “street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed; and

The expression “abroad” means outside Great Britain and Ireland.

### PART III.

#### PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.

##### *General Provisions as to Preliminary Proceedings.*

**31.** Arrangements shall be made for preventing a child or young person while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and

Separation  
of children  
and young  
persons  
from adults  
in police  
stations,  
courts, &c.

A.D. 1933. for ensuring that a girl (being a child or young person)  
 — shall while so detained, being conveyed, or waiting, be  
 PART III. under the care of a woman.  
 —cont.

Bail or  
detention of  
children and  
young  
persons  
arrested.

**32.**—(1) Where a person apparently under the age of seventeen years is apprehended, with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which he is brought, shall inquire into the case, and may release him on a recognisance being entered into by him or his parent or guardian (with or without sureties), for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge, and shall so release him unless—

- (a) the charge is one of homicide or other grave crime; or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer has reason to believe that his release would defeat the ends of justice.

(2) Where a person apparently under the age of seventeen years having been apprehended is not so released as aforesaid, the officer of police shall cause him to be detained in a remand home until he can be brought before a court of summary jurisdiction, unless the officer certifies—

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly a character that he cannot safely be so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which he is brought.

Remand or  
committal  
to custody  
in remand  
homes.

**33.**—(1) Any court, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home named in the commitment, to be there detained for the period for

which he is remanded or until he is thence delivered in due course of law: A.D. 1933.

Provided that—

PART III.  
—cont.

- (a) in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained; and
- (b) nothing in this subsection shall affect any power of a court of summary jurisdiction under section ten of the Criminal Justice Administration Act, 1914, to commit a person who has attained the age of sixteen years to prison until the next assizes or quarter sessions with a view to his being sentenced to detention in a Borstal institution. 4 & 5 Geo. 5.  
c. 58.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to prison.

34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance. Attendance  
at court of  
parent of  
child or  
young  
person  
charged  
with an  
offence, &c.

(2) Where a child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

A.D. 1933.

PART III.

—*cont.*42 & 43 Vict.  
c. 49.11 & 12 Vict.  
c. 42.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879, for applying, with the necessary adaptations and modifications, such of the provisions of the Summary Jurisdiction Acts and the Indictable Offences Act, 1848, as appear appropriate for the purpose, and such rules may provide for a summons to a child or young person including a summons to his parent or guardian.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Notice to  
local autho-  
rity of  
charges  
against and  
applications  
relating to  
children  
and young  
persons.

**35.**—(1) Where a child or young person is to be brought before a court of summary jurisdiction, or before a justice or justices acting under the Indictable Offences Act, 1848, in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as being in need of care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court or justices—

- (a) to the probation officer, or one of the probation officers, for the probation area in which the court or justices will sit; and
- (b) to the local authority for the district in which the child or young person is resident, or, if it is not known where he is resident, to the local authority for the district, or for any one of the districts, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen :

Provided that no such notification need be given to a local authority where the child or young person is charged or brought before the court by a local or poor law authority.

A.D. 1933.

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PART III.

—cont.

For the purposes of this subsection the expression “responsible person” means, in a case where the child or young person is accused of an offence, the chief officer of police, and in any other case, the person bringing the child or young person before the court.

(2) A local authority who have received a notification under the last foregoing subsection, and a local or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as being in need of care or protection shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court :

Provided that a local authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty sessional division in which by direction of the justices or probation committee arrangements have been made for such investigations to be made by a probation officer.

### *General Provisions as to Proceedings in Court.*

**36.** No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed :

Prohibition  
against  
children  
being  
present in  
court during  
the trial of  
other per-  
sons.

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

A.D. 1933.

PART III.  
—cont.

Power to  
clear court  
while child  
or young  
person is  
giving evi-  
dence in  
certain  
cases.

**37.**—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness :

Provided that nothing in this section shall authorise the exclusion of bona fide representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

Evidence of  
child of  
tender  
years.

**38.**—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively :

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

Power to  
prohibit  
publication

**39.**—(1) In relation to any proceedings in any court which arise out of any offence against, or any

conduct contrary to, decency or morality, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Special Procedure with regard to Offences specified  
in First Schedule.*

40.—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting in the interests of a child or young person, that there is reasonable cause to suspect—

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause him unnecessary suffering, or injury to health; or
- (b) that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of the child or young person,

the justice may issue a warrant authorising any constable named therein to search for the child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court,

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PART III.

—cont.

of certain  
matter in  
newspapers.

Warrant to  
search for or  
remove a  
child or  
young  
person.



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PART III.

—cont.

or authorising any constable to remove him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if that person so desires, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

Power to  
proceed  
with case  
in absence  
of child  
or young  
person.

41. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

Extension  
of power  
to take  
deposition  
of child  
or young  
person.

42.—(1) Where a justice of the peace is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the day when and

place where it was taken, and of the names of the persons (if any) present at the taking thereof.

A.D. 1933.

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PART III.  
—cont.

(2) The justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

43. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to his life or health, any deposition of the child or young person taken under the Indictable Offences Act, 1848, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to be taken :

Admission  
of deposition  
of child or  
young  
person in  
evidence.

Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

*Principles to be observed by all Courts in dealing with  
Children and Young Persons.*

44.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

General  
considera-  
tions.

A.D. 1933.

PART III.  
—cont.

(2) A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

*Juvenile Courts.*Constitution  
of juvenile  
courts.

**45.** Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule to this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be petty sessional courts.

Assignment  
of certain  
matters to  
juvenile  
courts.

**46.**—(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained the age of seventeen years shall be heard by a court of summary jurisdiction other than a juvenile court; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

(3) The Lord Chancellor may by rules assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons, being applications cognisable by justices, courts of summary jurisdiction, or petty sessional courts, if, in his opinion, it is desirable in the interests of the children and young persons concerned that such applications should be heard by juvenile courts.

For the purposes of this subsection, any complaint under section forty-four or section forty-five of the Education Act, 1921 (which sections relate to the making of school attendance orders and to the proceedings to be taken where such orders are disobeyed), or under section fifty-four of that Act (which relates to the making of orders requiring defective or epileptic children to be sent to suitable classes or schools) shall be deemed to be an application for an order relating to a child.

**47.**—(1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.

A.D. 1933.

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PART III.  
—cont.Procedure  
in juvenile  
courts.

(2) A juvenile court shall, subject as hereinafter provided, sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held; and no person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) *bonâ fide* representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present:

Provided that juvenile courts for the City of London shall sit at such place or places as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

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PART III.  
—*cont.*

(3) The Lord Chancellor may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts and of the Acts relating to indictable offences as regulate procedure shall have effect subject to any rules so made.

Miscellaneous provisions as to powers of juvenile courts.

48.—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

7 Edw. 7.  
c. 17.

(2) Where the court before which any person is bound by his recognisance under the Probation of Offenders Act, 1907, to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognisance or of jurisdiction to vary or discharge the recognisance.

(3) When a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessional division or place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice of the peace at least once in every twenty-one days;
- (b) when the required information has been obtained, may deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this subsection to hear evidence as to the commission of that offence, except in so far as it may consider that such evidence will assist the court in determining the manner in which he should be dealt with.

(4) Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879, (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences)

a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

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PART III.

—cont.

(5) A juvenile court sitting in the metropolitan police court area shall have all the powers of a metropolitan police magistrate; and for the purposes of any enactment by virtue of which any powers are exercisable—

(a) by a court of summary jurisdiction acting for the same petty sessional division or place as a juvenile court by which some previous act has been done; or

(b) by a juvenile court acting for the same petty sessional division or place as a court of summary jurisdiction by which some previous act has been done,

the metropolitan police court area shall be deemed to be the place for which all metropolitan police magistrates sitting in that area and all juvenile courts sitting in that area act.

(6) A juvenile court constituted and sitting in accordance with a determination of the Court of the Lord Mayor and Aldermen of the City of London shall have all the powers of a petty sessional court notwithstanding that the juvenile court is constituted only of the Lord Mayor or a single alderman and is not sitting in the justice room of the Mansion House or of the Guildhall.

49.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Restrictions  
on news-  
paper  
reports of  
proceedings  
in juvenile  
courts.

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

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PART III.  
—cont.

(2) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Juvenile Offenders.*

50. It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

51. No conviction or finding of guilty of a child or young person shall be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

52.—(1) A child shall not be ordered to be imprisoned or be sent to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages, or costs.

(2) A young person shall not be sent to penal servitude for any offence.

(3) A young person shall not be ordered to be imprisoned for an offence, or be committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or that he is of so depraved a character that he is not a fit person to be so detained.

53.—(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in lieu thereof the court shall sentence him to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the Secretary of State may direct.

(2) Where a child or young person is convicted on indictment of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Secretary of State may direct.

(3) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Secretary of State on licence.

Such a licence may be in such form and may contain such conditions as the Secretary of State may direct, and may at any time be revoked or varied by the Secretary of State.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

54. Where a child or young person is found guilty of an offence punishable in the case of an adult with penal servitude or imprisonment, or where a child or young person would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, the court may, if it considers that none of the other methods in which the case may legally be dealt with is suitable, order that he be committed to custody in a remand home named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding one month.

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PART III.  
—*cont.*Substitution  
of custody  
in remand  
home  
for im-  
prisonment.

55.—(1) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs may be imposed, if the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to  
order parent  
to pay fine,  
&c., instead  
of child  
or young  
person.

(2) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for his good behaviour.



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PART III.  
—cont.

(3) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sums ordered under this section, or on forfeiture of any such security as aforesaid, to be paid by a parent or guardian may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(5) A parent or guardian may appeal against an order under this section—

(a) if made by a court of summary jurisdiction, to a court of quarter sessions; and

(b) if made by a court of assize or a court of quarter sessions, to the Court of Criminal Appeal in accordance with the Criminal Appeal Act, 1907, as if the parent or guardian against whom the order was made had been convicted on indictment, and the order were a sentence passed on his conviction.

7 Edw. 7.  
c. 23.

Power of  
other courts  
to remit  
juvenile  
offenders  
to juvenile  
courts.

**56.**—(1) Any court by or before which a child or young person is found guilty of an offence other than homicide, may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under the last foregoing subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

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PART III.  
—cont.

57.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of this or any other Act, have power—

Power to  
send juven-  
ile offenders  
to approved  
schools or  
to commit  
them to fit  
persons.

(a) to order him to be sent to an approved school;

(b) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

58. The Secretary of State may by order direct that—

Power of  
Secretary of  
State to  
send certain  
juvenile  
offenders to  
approved  
schools.

(a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

(b) a child or young person with respect to whom he is authorised to give directions under subsection (2) of section fifty-three of this Act; or

(c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of

A.D. 1933. the Secretary of State attain the age of nineteen years  
— nor later—

PART III.  
—cont.

(a) in the case of a person who was undergoing detention in a Borstal Institution, or was sentenced to detention under the said subsection (2), than the date on which his detention would have expired;

(b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run.

Miscellaneous provisions as to summary proceedings against juvenile offenders.

59.—(1) The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

Provided that for the purposes of paragraph (b) of subsection (1) of section ten of the Criminal Justice Administration Act, 1914 (which relates to the power to send youthful delinquents to Borstal institutions), a finding that a person is guilty of an offence shall not have the effect of a conviction if he was dealt with for that offence under the Probation of Offenders Act, 1907.

(2) Where a child or young person is himself ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine.

60.—The amendments specified in the second column of the Third Schedule to this Act shall be made in the enactments mentioned in the first column of that Schedule.

Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

### *Children and Young Persons in need of Care or Protection.*

Definition of “in need of care or protection.” 61.—(1) For the purposes of this Act a child or young person in need of care or protection means a person who is—

(a) a child or young person who, having no parent or guardian or a parent or guardian unfit to

exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or

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PART III.  
—cont.

(b) a child or young person who—

(i) being a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been committed; or

(ii) being a member of the same household as a child or young person in respect of whom such an offence has been committed; or

(iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) being a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household;

8 Edw. 7.  
c. 45.

requires care or protection; or

(c) a child in respect of whom an offence has been committed under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (a) of the last foregoing subsection) be evidence that he is exposed to moral danger.

**62.**—(1) If a juvenile court is satisfied that any person brought before the court under this section by a local authority, constable, or authorised person, is a child or young person in need of care or protection, the court may either—

Powers of  
juvenile  
courts in  
respect of  
children and  
young per-  
sons in need

(a) order him to be sent to an approved school; or

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## PART III.

—*cont.*  
of care or  
protection.

- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any local authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court; and it shall be the duty of a local authority to bring before a juvenile court any child or young person residing or found in their district who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) The Summary Jurisdiction Acts shall apply in relation to recognisances under subsection (1) of this section as they apply in relation to recognisances to be of good behaviour, and where a recognisance under the said subsection (1) is adjudged to be forfeited the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Secretary of State to institute proceedings under this section, and any person who is himself so authorised.

Powers of  
other courts  
with respect  
to last  
foregoing  
section.

**63.**—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act or any offence under section ten of this Act, may—

- (a) direct that the child or young person be brought before a juvenile court with a view to that

court making such order under the last foregoing section as may be proper; or

- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which the juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court it shall be the duty of the local authority in whose district he was residing or found to bring him before such a court under subsection (1) of the last foregoing section.

*Refractory Children and Young Persons.*

64. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

- (a) that it is expedient so to deal with the child or young person; and  
(b) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court :

Provided that an order that the child or young person be sent to an approved school shall not be made unless the local authority within whose area he is resident agree.

65. Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

*Supplemental.*

66.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of

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PART III.  
—cont.

Power of  
parent or  
guardian  
to bring  
child or  
young per-  
son before  
juvenile  
court.

Power of  
poor law  
authority  
to bring  
child or  
young per-  
son before  
juvenile  
court.

Supervision  
by proba-  
tion officers

A.D. 1933.

PART III.

—cont.

or other  
persons,

a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

15 &amp; 16

Geo. 5. c. 86.

(3) For the purposes of the provisions of the Criminal Justice Act, 1925, relating to the salaries, remuneration and expenses of probation officers and of persons not being probation officers named in probation orders, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

Removal or  
remand of  
child or  
young  
person to  
place of  
safety.

**67.**—(1) A constable, or any person authorised by any court or by any justice of the peace, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the last five foregoing sections, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

(2) If a juvenile court before which any child or young person is brought is not in a position to decide whether any and, if so, what, order ought to be made under the last five foregoing sections, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

An interim order under this subsection shall not remain in force for more than twenty-eight days; but if at the expiration of that period the court deems it expedient to do so, it may make a further interim order.

A.D. 1933.

PART III.  
—cont.

68.—(1) A court before making an approved school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

Regard to  
be had to  
religious  
persuasion  
of person  
sent to  
approved  
school.

(2) A court, or the Secretary of State, in determining the approved school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(a) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessional division or place; and

(b) in any other case, to the Secretary of State,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Secretary of State shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant :

Provided that nothing in this subsection shall empower a court, or impose an obligation upon the Secretary of State, to comply with any such request as aforesaid unless the applicant has—

(i) made his application before, or within thirty days after, the person's arrival at the school; and

(ii) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Secretary of State that the managers thereof have accommodation available.

69.—(1) An approved school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act :

Coming into  
force of  
approved  
school  
orders.



A.D. 1933.

PART III.  
—cont.

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) If an approved school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to an approved school in pursuance of the approved school order :

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this subsection.

Any order made under this subsection may be made in the absence of the child or young person concerned.

Contents of  
approved  
school  
orders.

70.—(1) Every approved school order shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(2) Every approved school order, other than an order made on the application of a poor law authority in their capacity as such or made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education), shall name the local authority within whose district the child or young person was resident, or if that is not known, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved school :

Provided that—

A.D. 1933.

PART III.  
—cont.

(a) in determining for the purposes of this subsection the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded; and

(b) in the case of a child or young person not resident in England, the order shall, instead of naming a local authority, state that he was resident outside England.

(3) Every approved school order which is made to take effect immediately shall—

(a) specify the approved school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the local authority concerned, considers to be most suitable to the case; and

(b) state whether the local or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying to his school the child or young person with respect to whom the order is made.

(4) Where an approved school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, shall be subsequently specified by endorsement thereon.

(5) If for any reason a child or young person with respect to whom an approved school order has been made cannot be received into the approved school specified in or endorsed upon the order, another school may be

A.D. 1933. specified by an endorsement or further endorsement  
— thereon, as the case may be.

PART III.  
—cont.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the approved school order; or
- (b) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place; or
- (c) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the petty sessional division or place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the petty sessional division or place within which he was resident;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved school order made on the application of a poor law authority in their capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education) shall state that it is so made.

Duration of  
approved  
school  
orders.

**71.**—(1) Where a court orders a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order and, if at the expiration of that period he is under the age of fifteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

- (a) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

- (b) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

A.D. 1933.

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PART III.  
—cont.

**72.—**(1) The court which makes, or makes any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge of the school.

Conveyance  
of children  
or young  
persons to  
approved  
school.

(2) The court by which an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

(3) The local or poor law authority, probation officer or police authority, stated by any approved school order to be responsible for conveying a child or young person to his school, shall be responsible for conveying him there at the expense of the local or poor law authority, the probation committee, or police authority, as the case may be.

(4) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which

A.D. 1933. he may be subject under the provisions of this Act, be  
 — liable on summary conviction to a fine not exceeding five  
 PART III. pounds.  
 —cont.

Extension  
of period of  
detention in  
approved  
schools.

73. If the managers of an approved school are satisfied that a person whose period of detention therein is, under the foregoing provisions of this Act, about to expire needs further care or training and cannot without it be placed in suitable employment they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person undergoing detention in a Borstal Institution or sentenced to detention under subsection (2) of section fifty-three of this Act, is detained in an approved school by order of the Secretary of State.

Supervision  
and recall  
after ex-  
piration of  
order.

74.—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

- (a) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years ;
- (b) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Secretary of State so directs, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen years :

Provided that a person shall not be so recalled, unless in the opinion of the managers, or, as the case may be, of the Secretary of State, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

- (a) after the expiration of a period of three months, or of such longer period not exceeding six

months as the Secretary of State may, after  
considering the circumstances of his case, direct;  
or

A.D. 1933.

PART III.

—cont.

(b) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Secretary of State of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Secretary of State that they have done so.

(5) For the purposes of this Act a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

**75.**—(1) Before making an order under this Act committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed the court shall if possible select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

Provisions  
as to  
making,  
duration,  
and effect,  
of orders  
of com-  
mittal to fit  
persons.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Act, remain in force until he attains the age of eighteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

A.D. 1933.

## PART III.

—cont.

Committal  
to local and  
other autho-  
rities as "fit  
persons."

76.—(1) The local authority shall for the purposes of the provisions of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

8 & 9 Geo. 5.  
c. 57.8 Edw. 7.  
c. 67.

(2) An order may be made under this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision, and accordingly in subsection (4) of that section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Act.

## PART IV.

REMAND HOMES, APPROVED SCHOOLS, AND PERSONS  
TO WHOSE CARE CHILDREN AND YOUNG PERSONS  
MAY BE COMMITTED.

*Remand Homes.*Provision of  
remand  
homes by  
councils of  
counties and  
county  
boroughs.

77.—(1) It shall be the duty of the council of every county and county borough to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish, or join with the council of another county or county borough in establishing, such homes.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or county borough for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a

county or county borough may be so remanded to any remand home, wherever situate, which is provided under this section for that county or county borough.

A.D. 1933.

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PART IV.  
—*cont.*

(4) Nothing in this section shall be construed as requiring a council to provide additional remand homes for their area so long as any places of detention provided under the Children Act, 1908, and available for use by the council as remand homes remain suitable for that purpose and sufficient for the needs of the area.

78.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the tenour thereof.

Provisions  
as to  
custody of  
children  
and young  
persons in  
remand  
homes.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) The Secretary of State shall cause remand homes to be inspected, and may make rules as to the places to be used as remand homes, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a remand home, and for the children and young persons while so detained being visited from time to time by persons appointed in accordance with those rules.

(4) A child or young person who escapes from a remand home may be apprehended without warrant, and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

### *Approved Schools.*

79.—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Secretary of State to approve the school for that purpose, and the

Approval  
of schools.



A.D. 1933. Secretary of State may, after making such inquiries as he thinks fit, approve the school for that purpose and issue a certificate of approval to the managers.

PART IV.  
—cont.

(2) If at any time the Secretary of State is dissatisfied with the condition or management of an approved school, or considers its continuance as an approved school unnecessary, he may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school :

Provided that the Secretary of State, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of an approved school may, on giving six months' notice in writing to the Secretary of State of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) The Secretary of State shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the London Gazette.

Provision  
of approved  
schools by

80.—(1) A local authority may, with the approval of the Secretary of State, undertake, or combine with any other local authority in undertaking, or contribute

such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school:

Provided that, before giving his approval, the Secretary of State shall satisfy himself that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

**81.**—(1) The Secretary of State may classify approved schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

A.D. 1933.

PART IV.

—cont.

local authorities.

Classification,  
administration,  
and management.

(2) The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
- (c) the managers of the school satisfy the Secretary of State that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

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## PART IV.

—cont.

Escapes  
from  
approved  
schools,  
&c.

**82.**—(1) Any person who has been ordered to be sent to an approved school and who—

- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (ii) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the last foregoing subsection brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in subsection (1) of this section; or

- (b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

A.D. 1933.

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PART IV.  
—cont.

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

**83.**—(1) Any person detained in a school under the law in force in Scotland or Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Scotland or Northern Ireland to an approved school in England designated for the purpose by the Secretary of State, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in Scotland or Northern Ireland were an approved school order made upon the same date by a juvenile court.

Power to  
send  
children  
and young  
persons  
from  
Scotland,  
Northern  
Ireland,  
Isle of Man  
and Channel  
Islands to  
approved  
schools in  
England.

(2) The Secretary of State may at any time by order direct that a person who under the last preceding subsection has been transferred to an approved school in England from a school in Scotland or Northern Ireland, shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in Scotland or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age

A.D. 1933. to be sent to approved schools in England and if  
— by that law provision satisfactory to the Secretary of  
PART IV. State is made—

—cont.

- (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;
- (b) for contributions towards the expenses of the managers of the school; and
- (c) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Secretary of State may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in Scotland or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be retransferred or sent to an approved school in England, or so ordered by the Secretary of State to be retransferred to a school in Scotland or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in Scotland or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Secretary of State, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression “competent authority” means, in relation to Scotland, the Scottish Education Department, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

*Fit Persons.*

A.D. 1933.

84.—(1) The provisions of this section shall apply in relation to orders under this Act committing a child or young person to the care of a fit person, and in this section the expressions “child” and “young person” mean a person with respect to whom such an order is in force, irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

PART IV.  
—cont.

General  
provisions  
as to  
children and  
young  
persons  
committed  
to the care  
of fit  
persons.

(2) The Secretary of State may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed and may cause any children or young persons committed to the care of a local authority to be visited from time to time.

(3) A local authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit :

Provided that—

- (a) the power of a local authority under this subsection shall be exercised in accordance with any rules made under the last foregoing subsection as to the persons with whom and the conditions under which children and young persons committed to the care of local authorities may be so boarded out ;
- (b) in selecting the person with whom any child or young person is to be boarded out, the local authority shall, if possible, select a person who is of the same religious persuasion as the child or young person, or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(4) The Secretary of State may at any time in his discretion discharge a child or young person from the care of the person to whose care he has been committed, and any such discharge may be granted either absolutely or subject to conditions.

(5) The Secretary of State in any case where it appears to him to be for the benefit of a child or young

A.D. 1933.

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PART IV.  
—cont.

person may empower the person to whose care he has been committed to arrange for his emigration, but except with the authority of the Secretary of State no person to whose care a child or young person has been committed shall arrange for his emigration :

Provided that the Secretary of State shall not empower such a person to arrange for the emigration of a child or young person, unless he is satisfied that the child or young person consents and also that his parents have been consulted or that it is not practicable to consult them.

(6) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

(a) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place;

(b) in any case, by a juvenile court acting for the petty sessional division or place within which the child or young person is residing.

(7) If on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

(8) Where the local authority are of opinion that any child or young person who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if it thinks that it is desirable in his interests to do so, order him to be sent to such a school.

Escapes  
from care of  
fit persons.

85.—(1) A child or young person who runs away from a person to whose care he has been committed under this Act may be apprehended without warrant and

brought back to that person, if he is willing to receive him, and if he is not willing to receive him, may be brought—

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PART IV.  
—cont.

(a) if the order committing him to the care of that person was made by a petty sessional court, before a juvenile court acting for the same petty sessional division or place as that court; or

(b) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which the court might have made if he had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) A child or young person who runs away from any person with whom he has been boarded out by a local authority under this Act may be apprehended without warrant and brought back to that person, or to such other person as the local authority direct.

(3) Any person who knowingly—

(a) assists or induces a child or young person to run away from a person to whose care he has been committed or with whom he has been boarded out by a local authority, under this Act; or

(b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

### *Provisions as to Contributions towards Expenses.*

86.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or sending him to an approved school, it shall be the duty of the following persons to make contributions in respect of him, that is to say:—

(a) his father or stepfather;

(b) his mother or stepmother;

Contribu-  
tions to be  
made by  
parents, &c.,  
of children  
and young  
persons  
committed  
to the care



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## PART IV.

—cont.  
of fit per  
sons, or to  
approved  
schools.

(c) any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his putative father or not.

(2) Where the child or young person has been committed to the care of a fit person not being a local authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of a local authority, or ordered to be sent to an approved school, the contributions shall be payable to the council of the county or county borough within which the person liable to make the contributions is for the time being residing, and shall be paid over by the council to the Secretary of State at such times and in such manner, but subject to such deductions in respect of the services rendered by the council, as may be prescribed.

(4) Any sums received by the Secretary of State under the last foregoing subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

Enforce-  
ment of  
duty of  
parent, &c.,  
to make  
contribu-  
tions.

87.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last foregoing section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means thinks fit:

Provided that the total amount to be contributed for any week in respect of any one child or young person under contribution orders shall not (together with any sum payable in respect of that child or young person under an affiliation order with respect to which an order under the

next following section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

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PART IV.  
—cont.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being a local authority, be made on the application of that person and may, if the child or young person is committed to the care of a local authority, or ordered to be sent to an approved school, be made on the application—

- (a) in the case of an order applied for at the time when the child or young person is so dealt with, of the local authority to whose care he has been committed, or who are named in the approved school order, as the case may be;
- (b) in the case of an order applied for subsequently, of the council of the county or county borough entitled to receive contributions.

(3) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school :

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person ordered to be sent to an approved school is out on licence or under supervision from such a school.

(4) Subject to the provisions of this subsection—

- (a) a contribution order shall be enforceable as an affiliation order and the enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications; and
- (b) section thirty of the Criminal Justice Administration Act, 1914 (which contains provisions as to orders for the periodical payment of money made by courts of summary jurisdiction) shall apply to every contribution order whether the court which made it was, or was not, a court of summary jurisdiction ;

A.D. 1933. but any powers conferred by any of the enactments  
aforesaid on any justices or courts of summary jurisdiction  
shall be exercisable, and exercisable only, by justices and  
courts of summary jurisdiction having jurisdiction in the  
place where the person liable is for the time being residing.

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PART IV.  
—cont.

(5) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds.

Provision  
as to affilia-  
tion orders.

88.—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and an affiliation order for his maintenance is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing may subsequently at any time, order the payments under the affiliation order to be paid to the person who is from time to time entitled under section eighty-six of this Act to receive contributions in respect of the child or young person.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to an affiliation order is in force—

(a) any powers conferred on any justices or courts of summary jurisdiction by the enactments relating to the enforcement of affiliation orders or by section thirty of the Criminal Justice Administration Act, 1914, shall as respects the affiliation order in question be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing;

(b) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;

(c) if the putative father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds;

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PART IV.  
—cont.

(d) section one of the Affiliation Orders Act, 1914 (which relates to the duties of collecting officers), shall not apply in relation to the affiliation order, but nothing in this paragraph shall affect any powers of any court under section thirty of the Criminal Justice Administration Act, 1914, to order payments to be made through an officer of the court or any other specified person or officer.

4 & 5 Geo. 5.  
c. 6.

(3) The making of an order under this section with respect to an affiliation order shall not, where the putative father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the last two foregoing sections to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the affiliation order to the person entitled to receive contributions.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

(a) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force;

(b) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely, or on licence or under supervision :

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make an application for an order under section three of the Affiliation Orders Act, 1914, may apply to a court of

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PART IV.

—cont.

summary jurisdiction having jurisdiction in the place where she or he is for the time being residing, for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed by the law in the case of affiliation orders) as may be proper, and the court may make such an order accordingly, and where such an order is so made, any power to vary, revoke or again revive the affiliation order or any part thereof, being a power which would but for the provisions of this subsection be vested in the court which originally made the affiliation order, shall be exercisable, and exercisable only, by the court which made the order under this subsection.

Miscellaneous  
provisions  
as to con-  
tribution  
orders.

**89.**—(1) The Secretary of State may in his discretion remit the whole or any part of any payment ordered under either of the two last foregoing sections to be made to a person entitled to receive contributions thereunder.

(2) Where, by virtue of an order made under either of the two last foregoing sections, any sum is payable to the council of a county or county borough, the council of the county or county borough in which the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that county or county borough.

(3) In any proceedings under either of the two last foregoing sections a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last foregoing sections shall apply in relation to an approved school order made on the application of a poor law authority in their capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any maintenance order made under section nineteen of the Poor Law Act, 1930, or any

power of the poor law authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, he shall, while under the care of the managers of an approved school, be deemed to be still in receipt of relief.

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PART IV.  
—cont.

90.—(1) Subject to the provisions of this section, the local authority named in an approved school order as being the authority within whose district the person to whom the order relates was resident, or within whose district the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

Contribu-  
tions by  
local autho-  
rities in  
respect of  
persons sent  
to approved  
schools.

(2) A court by which an approved school order is made shall cause a copy thereof to be served forthwith on the local authority named in the order, and if that authority desire to contend that the person to whom the order relates was resident in the district of some other local authority or was resident outside England they may, by notice in writing given at any time within three months after the service upon them of the order, appeal—

- (a) if the order was made by a petty sessional court, to a court of summary jurisdiction acting for the same petty sessional division or place; and
- (b) if the order was made by a court which was not a petty sessional court, to a court of summary jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial,

and if, upon the hearing of the appeal, the court is satisfied that the person to whom the order relates was resident in the district of that other local authority, or was resident outside England, the court may by order vary the approved school order by substituting therein the name of that other authority or, as the case may

A.D. 1933. be, a statement that the said person was resident  
— outside England.

PART IV.  
—cont.

Notice of any appeal under this subsection shall be given to the other local authority concerned, if any, and to the clerk of the court, and the clerk of the court shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) Any person aggrieved by an order made under the last foregoing subsection, or by a refusal to make such an order, may appeal to quarter sessions, and, in relation to an appeal from such a refusal, the refusal shall be deemed to be an order.

(4) An order made under this section by a court of summary jurisdiction or by a court of quarter sessions shall have effect retrospectively as from the making of the approved school order, and all necessary payments by way of adjustment shall be made accordingly.

(5) The foregoing provisions of this section shall not apply in relation to an approved school order which—

- (a) is made on the application of a poor law authority in their capacity as such; or
- (b) is made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education); or
- (c) relates to a child or young person stated in the order to have been resident outside England,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

- (i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;
- (ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Secretary of State may determine to be reasonable, regard being had to the average expenses of the managers (including

establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

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PART IV.  
—cont.

(6) In determining for the purposes of this section the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded.

**91.**—(1) Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

Variation of  
trusts for  
main-  
tenance of  
child or  
young  
person.

(2) An appeal shall lie from an order of a court of summary jurisdiction under this section to quarter sessions.

## PART V.

### HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.

**92.** In this Part of this Act the expression “voluntary home” means any home or other institution for the boarding, care, and maintenance of poor children or young persons, being a home or other institution supported wholly or partly by voluntary contributions, but does not include any institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of those Acts are received therein.

Definition of  
voluntary  
homes.

**93.**—(1) It shall be the duty of the person in charge of any voluntary home to send the prescribed particulars with respect to the home to the Secretary of State within three months after the commencement of this Act, or in the case of a home established after the commencement of this Act within three months from the establishment

Notification  
of particu-  
lars with  
respect to  
voluntary  
homes.



**A.D. 1933.** of the home and to send such particulars in every subsequent year before such date as may be prescribed.

**PART V.**  
—*cont.*

(2) If default is made in sending the prescribed particulars with respect to any voluntary home in accordance with the requirements of this section, the person in charge of the home shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which the default continues after conviction.

**Inspection  
of volun-  
tary homes.**

**94.**—(1) The Secretary of State may cause any voluntary home to be inspected from time to time, unless the home is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

(2) The Secretary of State may, with the consent of the council of any county, county borough, or county district, appoint officers of that council to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any voluntary home shall have power to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children and young persons therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

**Control over  
voluntary  
homes.**

**95.**—(1) If the Secretary of State is satisfied that the management of any voluntary home, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the home such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the home.

A direction under this subsection—

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- (a) may be served on the persons responsible for the management of a home by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the home;

PART V.  
—cont.

- (b) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the home is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served upon the person in charge of the home and upon such other persons as the court may direct, and upon the hearing of the summons may, if the court thinks fit, make an order for the removal of all children and young persons from the home :

Provided that—

- (a) such an order shall not be made unless the court is satisfied that the welfare of some of the children or young persons is endangered ;
- (b) the court may, if it thinks fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order and the direction shall have effect accordingly.

(3) An order for the removal of all children and young persons from a voluntary home shall operate as an authority to any person named in the order, and to any constable, to enter the home and to remove the children and young persons therein to a place of safety; and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from a voluntary home, the home shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly

A.D. 1933. permits it to be so used shall, on summary conviction, be  
 — liable to a fine not exceeding five pounds and to a further  
 PART V. fine not exceeding twenty shillings in respect of each  
 —cont. day during which the user continues after conviction.

## PART VI.

## SUPPLEMENTAL.

*Local Authorities.*

Provisions  
as to local  
authorities.

**96.**—(1) Subject to the modifications hereinafter contained as to the City of London, where any powers or duties are by this Act conferred or imposed on local authorities (by that description), those powers and duties shall, as respects children, be powers and duties of local education authorities for elementary education and, as respects other persons, be powers and duties of councils of counties and county boroughs :

Provided that—

- (a) the attainment of the age of fourteen years by a person who has previously been ordered to be sent to an approved school, or to be committed to the care of a fit person, shall not divest or relieve any local education authority for elementary education of any powers or duties in respect of him, or confer or impose any powers or duties in respect of him upon the council of any county or county borough ;
- (b) the council of an urban district (whether a borough or not) who have under the Education Act, 1921, or the Acts repealed by that Act, relinquished in favour of the council of the county all their powers and duties as a local education authority for elementary education, shall for the purposes of this Act be deemed not to be a local education authority for elementary education, and their district shall for the purposes of this Act be deemed to be part of the area of the county council.

(2) A county council may arrange with the councils of urban districts, whether boroughs or not, within the county which are local education authorities for elementary education for the exercise and performance by those councils within their respective areas of such of the

powers and duties of the county council under this Act and on such terms as to payment and otherwise, as may be agreed.

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PART VI.

—cont.

An arrangement under this subsection may provide for the exercise and performance of powers and duties by the urban district council either instead of, or as agents for, the county council, but notwithstanding anything in any such arrangement every county council shall remain accountable to the Secretary of State for all contributions paid in their county by parents and other persons in respect of persons committed to the care of local authorities or ordered to be sent to approved schools.

(3) Expenses incurred by a local authority in connection with powers and duties which are, under this Act, exercised and performed by them as local education authorities for elementary education shall be defrayed as expenses of elementary education under the Education Act, 1921.

(4) Expenses incurred under this Act by the council of a county or county borough, exclusive of any expenses to be defrayed under the last foregoing subsection as expenses of elementary education under the Education Act, 1921, shall be defrayed—

- (a) in the case of expenses incurred by the council in their capacity of poor law authority, as expenses of administering the Poor Law Act, 1930; and
- (b) in any other case, as expenses for general county purposes or, as the case may be, out of the general rate.

(5) A local authority may, for the purposes of their functions under this Act, acquire, dispose of, or otherwise deal with land—

- (a) in the case of a county council, in like manner as for the purposes of their other functions, and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;
- (b) in the case of the council of a county borough or urban district, in like manner as for the purposes of the Public Health Act, 1875, and

51 & 52 Vict.  
c. 41.

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PART VI.

—cont.

sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly.

(6) A local authority may borrow for the purposes of this Act—

(a) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929; and

(b) in the case of the council of a county borough or urban district, as for the purposes of the Public Health Acts, 1875 to 1926.

(7) Subject to the provisions of section four of the Education Act, 1921 (which require certain matters to be referred to education committees) a local authority may refer to a committee appointed for the purposes of this Act, or to any committee appointed for the purposes of any other Act, any matter relating to the exercise by the authority of any of their powers under this Act and may delegate any of the said powers (other than any power to borrow money) to any such committee.

(8) A local authority, or a committee to whom any powers of a local authority under this Act have been delegated, may by resolution empower the clerk or the chief education officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

Modifica-  
tions of last  
foregoing  
section as  
to City of  
London.

**97.** The last foregoing section shall, in its application to the City of London, have effect subject to the modifications that the powers and duties of a local authority under this Act as respects young persons, and as respects street trading and employment, shall be powers and duties of the Common Council and any expenses of the Common Council shall be defrayed out of the general rate :

Provided that—

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- (a) the powers and duties of a local authority with respect to the granting of licences for children to take part in entertainments shall be powers and duties of the London County Council in their capacity as local education authority for elementary education; and
- (b) nothing in this section shall exempt the City of London from the liability to contribute towards the expenses incurred by the London County Council as local authority under this Act, but the London County Council shall in each year repay to the Common Council any contributions paid by the Common Council in respect of persons under the care of the managers of an approved school.

PART VI  
—cont.

98.—(1) A local authority or a poor law authority may institute proceedings for any offence under this Act, or under Part I of the Children Act, 1908.

Institution of proceedings by local or poor law authorities.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under this Act.

### *Supplementary Provisions as to Legal Proceedings.*

99.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall for the purposes of this Act be deemed not to be a child or young person.

Presumption and determination of age.

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PART VI.  
—cont.

(2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

Evidence of  
wages of  
defendant.

**100.** In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Application  
of Summary  
Jurisdiction  
Acts.

**101.**—(1) Subject to the provisions of this Act, all orders of a court of summary jurisdiction, whether a petty sessional court or not, under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary

Jurisdiction Acts, and the power of making rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

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PART VI.  
—cont.

(2) The provisions of section twenty-nine of the Summary Jurisdiction Act, 1879, with respect to the laying of rules before Parliament shall apply in relation to rules made by the Lord Chancellor under this Act as they apply in relation to rules made by him under the said section.

102.—(1) Appeals to quarter sessions from orders of a court of summary jurisdiction under this Act may be brought in the following cases and by the following persons, that is to say— Appeals to quarter sessions.

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to an approved school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or his parent or guardian on his behalf;
- (b) in the case of an order requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognisance;
- (c) in the case of an order requiring a person to contribute in respect of a child or young person, by the person required to contribute;
- (d) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payments;
- (e) in the case of an order requiring the owner of an automatic machine for the sale of tobacco or the person on whose premises such a machine is kept, to take precautions to prevent the machine



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being extensively used by persons apparently under the age of sixteen years or to remove the machine, by any person aggrieved;

- (f) in the case of an order under subsection (2) of section ninety-five of this Act directing the removal of children and young persons from a voluntary home or, in the case of a refusal to make such an order, by any person aggrieved,

and, in relation to an appeal from a refusal to make an order under the said subsection (2), the refusal shall be deemed to be an order.

(2) Nothing in this section shall be construed as affecting the rights of appeal to quarter sessions conferred by sections fifty-five, fifty-six, ninety, and ninety-one of this Act or any other right of appeal conferred by this or any other Act.

*Supplementary Provisions as to Secretary of State.*

Power of  
Secretary of  
State to  
appoint  
inspectors.

**103.** The Secretary of State may appoint for the purposes of the enactments relating to children and young persons a chief inspector, and such number of inspectors to act under the direction of the chief inspector as the Treasury may approve, and may pay to the persons so appointed such remuneration and allowances as with the consent of the Treasury he may determine, and they shall perform such duties as the Secretary of State may from time to time direct.

Exchequer  
grants and  
expenses of  
Secretary of  
State.

**104.**—(1) There shall be paid out of money provided by Parliament—

- (a) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(i) the expenses of the managers of an approved school;

(ii) the expenses of a local authority in respect of children and young persons committed to their care;

(iii) the expenses of a council of a county or county borough in respect of remand homes;

- (b) any sums by which any education grants under any other Act are increased by reason of the additional powers and duties conferred or imposed by this Act upon local education authorities for elementary education; A.D. 1933.  
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—cont.
- (c) any expenses incurred by the Secretary of State in the administration of this Act.

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

### *General.*

**105.** An Order in Council under this Act may be revoked or varied by any subsequent Order in Council. Variation of Orders in Council.

**106.**—(1) An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary. Provisions as to documents, &c.

(2) A document purporting to be a copy—

- (a) of an order made by a court under or by virtue of any of the provisions contained in sections fifty-six, fifty-seven and sixty-two to ninety of this Act or in the Fourth Schedule to this Act; or
- (b) of an order made after the commencement of this Act under section forty-five of the Education Act, 1921, sending a person to an

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—cont.

approved school or committing him to the care of a fit person; or

(c) of an affiliation order referred to in an order under section eighty-eight of this Act,

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(3) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate, and the grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

(4) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(5) An order, licence, or other document may be authenticated on behalf of the managers of an approved school, if they are a local authority or a joint committee representing two or more local authorities, by the signature of their clerk or some other officer of the local authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the headmaster.

Interpre-  
tation.

107.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“Approved school” means a school approved by the Secretary of State under section seventy-nine of this Act;

“Approved school order” means an order made by a court sending a child or young person to an approved school;

- “ Chief officer of police ” means as regards the city of London, the Commissioner of the City Police, as regards other parts of England has the same meaning as in the Police Act, 1890, as regards Scotland has the same meaning as in the Police (Scotland) Act, 1890, and as regards Northern Ireland means a district inspector of the Royal Ulster Constabulary; A.D. 1933.  
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PART VI.  
—cont.  
53 & 54 Vict.  
c. 45.  
53 & 54 Vict.  
c. 67.
- “ Child ” means a person under the age of fourteen years;
- “ Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;
- “ In need of care or protection ” has the meaning assigned to it by section sixty-one of this Act;
- “ Intoxicating liquor ” means any fermented, distilled or spirituous liquor which cannot according to any law for the time being in force be legally sold without a licence from the Commissioners of Customs and Excise;
- “ Legal guardian ” in relation to a child or young person, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;
- “ Managers,” in relation to an approved school established or taken over by a local authority or by a joint committee representing two or more local authorities, means the local authority or the joint committee as the case may be, and in relation to any other approved school, means the persons for the time being having the management or control thereof;
- “ Metropolitan police court area ” means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;
- “ Place of safety ” means any remand home, work-house, or police station, or any hospital, surgery, or any other suitable place, the occupier of

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—cont.

which is willing temporarily to receive a child or young person;

“Police authority” means as respects the city of London, the common council, and elsewhere has the same meaning as in the Police Act, 1890;

“Poor law authority” means the council of a county or county borough and includes also a joint committee of two or more such councils established under section three of the Poor Law Act, 1930;

“Prescribed” means prescribed by regulations made by the Secretary of State;

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(3) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

Transitory  
provisions.  
52 & 53 Vict.  
c. 63.

22 & 23  
Geo. 5. c. 46.

108.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by the Children and Young Persons Act, 1932, and by this Act.

(2) References in any Act to places of detention provided under section one hundred and eight of the Children Act, 1908, shall be construed as references to remand homes provided under this Act.

(3) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the Children Act, 1908, shall be construed as including references to orders of the like nature made under this Act.

(4) References in any Act or other document to juvenile courts under the Children Act, 1908, shall be construed as including references to such courts under this Act.

(5) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act (except references in Part VI of the Children Act, 1908, or Part VI of the Children and Young Persons Act, 1932) shall be construed as including references to the corresponding provision of this Act.

(6) The reference in the First Schedule to this Act to any offence under sections one, two, three, eleven or twenty-three of this Act shall be construed as including a reference to any offence under the Dangerous Performances Acts, 1879 and 1897, or under Part II of the Children Act, 1908.

**109.**—(1) This Act may be cited as the Children and Young Persons Act, 1933.

(2) This Act, except section nineteen thereof, shall come into operation on the first day on which, by virtue of orders made by the Secretary of State under subsection (3) of section ninety of the Children and Young Persons Act, 1932, all the provisions of that Act, except section fifty-one thereof, will be in operation in England.

(3) Save as therein otherwise expressly provided, this Act shall not extend to Scotland or Northern Ireland.

(4) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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PART VI.  
—cont.Short title,  
commence-  
ment,  
extent and  
repeals.

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**SCHEDULES.**

Sections 13,  
14, 15, 40,  
41, 42, 43,  
63, 67, 99  
and 108.

**FIRST SCHEDULE.**

**OFFENCES AGAINST CHILDREN AND YOUNG PERSONS,  
WITH RESPECT TO WHICH SPECIAL PROVISIONS OF  
THIS ACT APPLY.**

The murder or manslaughter of a child or young person.

Infanticide.

24 & 25 Vict.  
c. 100. Any offence under sections twenty-seven, fifty-five, or  
fifty-six of the Offences against the Person Act, 1861, and any  
offence against a child or young person under sections five,  
forty-two, forty-three, fifty-two or sixty-two of that Act, or  
under the Criminal Law Amendment Act, 1885.

Any offence under the Punishment of Incest Act, 1908,  
in respect of a child or young person.

Any offence under sections one, two, three, four, eleven or  
twenty-three of this Act.

Any other offence involving bodily injury to a child or young  
person.

Section 45.

**SECOND SCHEDULE.****CONSTITUTION OF JUVENILE COURTS.***Outside Metropolitan Areas.*

1.—(1) The provisions of this paragraph shall have effect  
with respect to juvenile courts outside the metropolitan police  
court area and the City of London.

(2) Subject to the provisions of the next following sub-  
paragraph, a panel of justices specially qualified for dealing  
with juvenile cases shall be formed for the purposes of this  
Act in every petty sessional division, and no justice shall  
be qualified to sit as a member of a juvenile court unless he is  
a member of such a panel.

(3) The Secretary of State, after considering any representations made to him by the justices of the petty sessional divisions concerned, may by order direct that there shall be only one panel for any two or more petty sessional divisions and may by the same or a subsequent order provide for sittings of juvenile courts constituted from that panel being held at such places, whether within or without the petty sessional division for which the court is for the time being acting, as may be specified in the order.

An order under this sub-paragraph may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(4) Rules made by the Lord Chancellor shall provide—

- (a) for the formation and periodical revision of panels of justices;
- (b) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;
- (c) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

*In Metropolitan Police Court Area.*

2.—(1) His Majesty may by Order in Council specify as respects the metropolitan police court area the places (which, notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, may be places other than police courts) in which juvenile courts are to sit, and assign as a division to each such place such portion of that area as may be specified in the Order.

(2) Every juvenile court in the metropolitan police court area shall be constituted of a metropolitan police magistrate nominated by the Secretary of State to act as chairman of juvenile courts within the said area and two justices of the peace for the county of London, one of whom shall be a woman, and both of whom shall be selected, in such manner as may be directed by Order in Council, from a panel of such justices nominated from time to time by the Secretary of State :

Provided that—

- (a) if for special reasons the Secretary of State considers it advisable so to do, he may nominate such a justice of the peace as aforesaid to act as a chairman of juvenile courts within the said area; and

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—  
2ND SCH.  
—cont.



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2ND SCH.

—cont.

(b) if at any time, by reason of illness or other emergency, no person so nominated is available to act as chairman of a juvenile court, any metropolitan police magistrate although not so nominated, or, with the consent of the Secretary of State, any justice of the peace selected from the panel, may act temporarily as chairman; and

(c) where it appears to the chairman that the court cannot without adjournment be fully constituted, and that the adjournment would be inexpedient in the interests of justice, he may sit with one justice selected from the panel (whether a man or a woman) or, if he is a metropolitan police magistrate, may sit alone.

(3) The Secretary of State, in nominating the chairmen of juvenile courts and the members of a panel, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

(4) An Order in Council made under this paragraph may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order.

*In the City of London.*

3. Juvenile courts for the City of London shall be constituted in such manner as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

Section 60.

### THIRD SCHEDULE.

#### AMENDMENTS OF CERTAIN ENACTMENTS RELATING TO CRIMINAL PROCEEDINGS AND COURTS OF SUMMARY JURISDICTION.

Enactment.	Amendment.
42 & 43 Vict. c. 49. Summary Jurisdiction Act, 1879.	For section ten there shall be substituted the following section:— “ 10.—(1) A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may, without consulting the parent or guardian of

Enactment.

Amendment.

A.D. 1933.

3RD SCH.  
—*cont.*

the child, deal with him summarily and shall so deal with him unless some other person who is charged jointly with him and is not a child is committed for trial, in which case the court may, if in the interests of justice they think it necessary so to do, also commit the child for trial.

- (2) A court of summary jurisdiction who deal summarily with a child in respect of an indictable offence shall, in addition to any other powers exercisable by virtue of this or any other Act, have power to impose a fine not exceeding forty shillings and when the child is a male, to adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable, in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child."

In subsection (2) of section eleven the words "by the evidence" shall be omitted.

In subsection (3) of section seventeen the words from "unless the parent or guardian" to the end of the subsection shall be omitted.

In section forty-nine, for the definitions of child and young person there shall be substituted the following definitions—

"The expression 'child' means a person who in the opinion of the court before whom he is brought is under the age of fourteen years.

The expression 'young person' means a person who in the opinion of the court before whom he is brought is of the age of fourteen years and under the age of seventeen years."

A.D. 1933.

Enactment.

Amendment.

3RD SCH.  
—cont.7 Edw. 7. c. 17. Pro-  
bation of Offenders  
Act, 1907.At the end of subsection (2) of section  
two there shall be inserted the following  
proviso—

“ Provided that—

(a) it shall not be made a condition of a recognisance that a person under the age of seventeen years shall reside in any institution which is not subject to inspection by the Secretary of State unless he is while residing in the institution to be employed, or to seek employment, outside it; and

(b) where it is made a condition of a recognisance that a person under the age of seventeen years shall reside in any institution the court by which the probation order is made shall forthwith give notice of the terms of the order to the Secretary of State; and

(c) where such residence as aforesaid has, in the case of a person under the age of seventeen years, been made a condition of a recognisance the Secretary of State may at any time, if he considers that it is in the interests of that person so to do, cause an application to be made to the court before which he is bound by his recognisance to appear, and thereupon that court may vary the conditions of the recognisance by excluding therefrom the condition as to residence, or by substituting the name of some other institution.”

In subsection (5) of section six for the words “if the case was one in which the court in the first instance might under section fifteen of the Industrial Schools Act, 1866, have ordered the offender to be sent to a certified industrial school and the offender is still apparently under the age of twelve years” there shall be

## Enactment

## Amendment.

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3RD SCH.  
—cont.

substituted the words "if the case was  
" one in which the court had power to  
" make an order sending him to an  
" approved school and he is still under  
" the age of seventeen years."

11 & 12 Geo. 5. c. 51.  
Education Act,  
1921.

For section forty-five there shall be  
substituted the following section—

"Proceedings  
on disobe-  
dience of  
order of court  
for attendance  
at school.

45.—(1) Where a school attendance  
order is not complied with, without any  
reasonable excuse, a court of summary  
jurisdiction, on complaint made by the  
local education authority, may, if they  
think fit, order as follows :—

(a) in the first case of non-compliance  
if the parent of the child does not  
appear, or appears and fails to satisfy  
the court that he has used all reason-  
able efforts to enforce compliance  
with the order, the court may impose  
a fine not exceeding with the costs  
twenty shillings; but if the parent  
satisfies the court that he has used  
all reasonable efforts as aforesaid,  
the court may, without inflicting a  
fine, order the child to be sent to an  
approved school or to be committed  
to the care of a fit person in accord-  
ance with the provisions of the  
Children and Young Persons Act,  
1933; and

(b) in the second or any subsequent case  
of non-compliance with the order,  
the court may order the child to be  
sent to an approved school or to be  
committed to the care of a fit person  
in accordance with the provisions of  
the Children and Young Persons Act,  
1933, and may further in their dis-  
cretion inflict any such fine as afore-  
said, or they may for each such non-  
compliance inflict any such fine as  
aforesaid without ordering the child  
to be so sent or committed as  
aforesaid :

A.D. 1933.

Enactment.

Amendment.

3RD SCH.  
—cont.

Provided that a complaint under this section with respect to a continuing non-compliance with a school attendance order shall not be repeated by the local education authority at any less interval than two weeks.

(2) Where an order is made under this section either sending a child to an approved school, or committing him to the care of a fit person, the provisions of the Children and Young Persons Act, 1933, shall apply in relation to the order as if it were an order made under that Act."

15 & 16 Geo. 5. c. 86.  
Criminal Justice  
Act, 1925.

In subsection (4) of section twenty-four, for the word "sixteen" there shall be substituted the word "seventeen."

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## FOURTH SCHEDULE.

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### PROVISIONS AS TO ADMINISTRATION OF APPROVED SCHOOLS AND TREATMENT OF PERSONS SENT THERETO.

#### *General Provisions.*

1.—(1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

#### *Treatment of Pupils.*

3. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State, for the purpose of affording him religious assistance and instruction.

4. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section nine of the Mental Deficiency Act, 1913, be deemed to be detained in the school.

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4TH SCH.  
—cont.3 & 4 Geo. 5.  
c. 28.*Power to Place out Pupils.*

5. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the Secretary of State so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him :

Provided that, without the consent of the Secretary of State, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Secretary of State shall through his inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Secretary of State, arrange for his emigration.

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4TH SCH.  
—cont.

Before exercising their powers under this paragraph the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

*Misconduct of Pupils.*

8. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Secretary of State so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (a) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or
- (c) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

*Discharge and Transfer.*

9.—(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or with the consent of the Scottish Education Department, to the care of the managers of a school in Scotland which is an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1932.

22 & 23  
Geo. 5. c. 47.

(2) Upon a person being so discharged or transferred as aforesaid, the Secretary of State shall cause notice to be sent to the local authority liable to make contributions in respect of him.

(3) Where a person is transferred under the foregoing provisions of this paragraph to the care of the managers of a school in Scotland, the provisions of this Act relating to contributions by parents, guardians and others, and local authorities, shall apply in respect of him as if the school in Scotland were an approved school within the meaning of this Act, and if under the law in force in Scotland he is retransferred to the care of the managers of a school in England which is an approved school within the meaning of this Act, this Act shall have effect in relation to the retransfer as if it were a

transfer under this paragraph from the care of the managers of one approved school in England to the care of the managers of another approved school in England.

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4TH SCH.  
—cont.

10. The provisions of section sixty-eight of this Act (which relate to religious persuasion) shall apply in relation to the transfer of persons to approved schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

*Powers and duties of Managers and other Persons  
in Charge of Pupils.*

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in them :

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

- (a) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or
- (b) is authorised by a local or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid have all the powers, protection, and privileges of a constable.



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4TH SCH.  
—cont.*Superannuation of Officers.*

14. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(a) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(b) a gratuity to any dependant of an officer who has died in the service of the school :

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

Section 108.

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**FIFTH SCHEDULE.**

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**TRANSITORY PROVISIONS.**

1. Any Order in Council, order, or regulation made, any certificate given, any deposition taken, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done, under the corresponding provisions of this Act.

2. Any rule, byelaw, warrant or licence under any enactment repealed either by the Children and Young Persons Act, 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act :

Provided that this paragraph shall not apply to rules made under section fifty-four of the Children Act, 1908 (hereinafter referred to as the Act of 1908) for the management and discipline of a certified school or to byelaws made under section ninety-one of the Education Act, 1921, with respect to street trading.

3. Any person who at the commencement of the Act of 1932 is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

A.D. 1933.

—  
5TH SCH.  
—cont.

4. Nothing in this Act or in the Act of 1932 shall render invalid any summons pending at the commencement of that Act for bringing a child or young person before a petty sessional court with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the petty sessional court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

5. Where before the commencement of the Act of 1932 an order has been made under the Act of 1908 or under section forty-five of the Education Act, 1921, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order were an order made under this Act :

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if neither this Act nor the Act of 1932 had passed.

6. This Act shall apply in relation to a school which at the commencement of the Act of 1932 was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

7. The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which on the twelfth day of July nineteen hundred and thirty-two was a certified day industrial school, and if he so approves any such school the provisions of this Act shall apply in relation to that school and to children previously sent or thereafter to be sent thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

8. Where a child or young person had at the commencement of the Act of 1932 been ordered to be sent to a certified school but has not reached his school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to a school, and with respect to his custody in the meantime, as might have been had or done if neither this Act nor the Act of 1932 had passed.

A.D. 1933.

—  
5TH SCH.  
—cont.

9. Subject to the provisions of this Schedule, this Act shall apply in relation to persons who at or after the commencement of the Act of 1932 are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if neither this Act nor the Act of 1932 had passed.

10. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the local authority named in that order as being the authority within whose district he was resident: and if in any such case as aforesaid—

- (a) it had not been determined at the commencement of the Act of 1932 who are the authority who are responsible as aforesaid; or
- (b) proceedings might but for the passing of this Act and the Act of 1932 have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if neither this Act nor the Act of 1932 had passed.

11. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school at the instance of a poor law authority or of the managers of a district poor law school, the poor law authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

12. Where before the commencement of the Act of 1932 a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of

the said Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

A.D. 1933.

—  
5TH SER.  
—cont.

13. Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

- (a) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;
- (b) if the managers are not a local authority, as if he were out on licence from the school.

14. Where before the commencement of the Act of 1932 a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section sixty-six of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the recognisance shall cease to have effect.

15. The repeal by the Act of 1932 of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

A.D. 1933.

**SIXTH SCHEDULE.**

Section 109.

**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67.	The Children Act, 1908.	Sections twelve to seventeen, nineteen, twenty-four, twenty-seven to thirty-two, thirty-five, and thirty-seven; subsection (2) of section thirty-eight; sections thirty-nine to forty-three, ninety-four, ninety-five, ninety-seven to one hundred and six, one hundred and nine, and one hundred and fourteen to one hundred and twenty-one; in section one hundred and twenty-three, subsection (1); in subsection (2) the words "or indictment," from the words "or any of the offences" to the words "Criminal Law Amendment Act, 1885," the words "by or," the words "was a child or young person or" and the words "a child or young person or to have been," wherever those words occur; and subsections (3) and (4); section one hundred and twenty-four; in section one hundred and twenty-seven the words "or young person" wherever those words occur; sections one hundred and twenty-eight and one hundred and thirty; in section one hundred and thirty-one the definitions of "guardian," "local education authority," "police authority," "street," "public place," and "intoxicating liquor," and in the

A.D. 1933.

—  
6TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67. <i>cont.</i>	- . .	definitions of "legal guardian" and "place of safety" the words "child or young person"; and the First Schedule.
10 Edw. 7. & 1 Geo. 5. c. 25.	The Children Act (1908) Amendment Act, 1910.	The whole Act.
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Subsection (2) of section twenty-eight.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty-eight.
20 & 21 Geo. 5. c. 21.	The Children (Employment Abroad) Act, 1930.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
22 & 23 Geo. 5. c. 46.]	The Children and Young Persons Act, 1932.]	Sections one to sixty-three; section sixty-four, as well in its application to Northern Ireland as in its application to England; in section seventy from the words "and in the definitions" to the end of the section; sections seventy-one to seventy-six, seventy-eight, sections eighty to eighty-six; in subsection (1) of section eighty-seven the definitions of "Chief Officer of Police," "Metropolitan Police Court Area," "needing care or protection," and "prescribed," and subsections (2), (3) and (4) of that section; section eighty-eight; in subsection (2) of section ninety the words "save as otherwise expressly provided;" the First Schedule; the Second Schedule, except so far as it relates to the following provisions of the Children Act, 1908, that is to say, sections one, two, three,

A.D. 1933.

—  
6TH SCH.  
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 46— <i>cont.</i>	- - -	eight and nine, subsection (2) of section one hundred and twenty-three, and the definitions in section one hundred and thirty-one of "young person," "legal guardian," "place of safety," "police fund" and "common fund"; and the Third and Fourth Schedules.
22 & 23 Geo. 5. c. 47.	The Children and Young Persons (Scotland) Act, 1932.	Section fifty-eight.

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND  
THE ROYAL NETHERLANDS GOVERNMENT AMENDING THE  
ANGLO-NETHERLANDS MONETARY AGREEMENT OF THE  
7TH SEPTEMBER, 1945.

London, 12th/16th September, 1946.

No. 1.

Mr. Ernest Bevin to the Netherlands Chargé d'Affaires.

Foreign Office,  
12th September, 1946.

Sir,

With reference to the recent consultations which have taken place between representatives of our two Governments in accordance with the provisions of Article 12 of the Anglo-Netherlands Monetary Agreement of the 7th September, 1945, (1) I have the honour to inform you that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have considered and approved the proposal that the 53,450,000 Netherlands guilders mentioned in Article 2 (i) (a) and the £5 million mentioned in Article 2 (ii) (a) of the Monetary Agreement should be increased to 100,000,000 guilders and £10 million respectively.

2. I shall be grateful if you will inform me whether the Netherlands authorities likewise approve this proposal and whether they agree that the present note and your reply shall be regarded as constituting an Agreement between His Majesty's Government and the Netherlands Government in the matter.

I have, &c.  
(Sd) ERNEST BEVIN

No. 2.

The Netherlands Chargé d'Affaires to Mr. Ernest Bevin.

Ambassade der Nederlanden,  
London, 16th September, 1946.

Your Excellency,

I HAVE the honour to acknowledge receipt of your Excellency's note of the 12th September, 1946, reading as follows:—

[As in No. 1.]

In reply, I have the honour to inform your Excellency that the Netherlands Government approve this proposal and likewise agree that the present note and my present reply shall be regarded as constituting an Agreement between the Netherlands and United Kingdom Governments in this matter.

I have, &c.  
(Sd) A. BENTINCK

(1) "Treaty Series No. 7 (1945)," Cmd. 6681.

13577 WL.— 9/46 L.O.P. 32143 Gp. 349



# REPORT OF THE CARE OF CHILDREN COMMITTEE

Presented by the Secretary of State for the Home Department,  
the Minister of Health, and the Minister of Education, to Parliament  
by Command of His Majesty  
September 1946

LONDON  
HIS MAJESTY'S STATIONERY OFFICE  
THREE SHILLINGS NET

Cmd. 6922

# WE HEREBY APPOINT:

Miss MYRA CURTIS, C.B.E.  
 \*Mrs. J. L. ADAMSON, M.P.  
 \*Mrs. CAZALET KEIR, M.P.  
 Mr. H. GRAHAM WHITE, M.P.  
 Miss S. CLEMENT BROWN  
 Mr. R. J. EVANS  
 Miss LUCY G. FILDES  
 Miss M. L. HARFORD  
 Dr. SOMERVILLE HASTINGS  
 Alderman Miss K. JONES, O.B.E.  
 The Reverend J. H. LYTEN  
 Mr. J. MOSS  
 Mrs. HELEN MORTAGH  
 Mr. HENRY SALT  
 Professor J. C. SPENCE, M.C., M.D.  
 Mrs. F. G. A. TEMPLE, and  
 Mr. S. O. WALMSLEY

to be a Committee to inquire into existing methods of providing for children who from loss of parents or from any cause whatever are deprived of a normal home life with their own parents or relatives; and to consider what further measures should be taken to ensure that these children are brought up under conditions best calculated to compensate them for the lack of parental care.

AND WE FURTHER APPOINT Miss Myra Curtis to be Chairman and Miss D. M. D. Rosling of the Home Office and Mr. G. T. Milne of the Ministry of Health, to be Joint Secretaries of the Committee.

(Signed) HERBERT MORRISON  
 HENRY WILLINK  
 R. A. BUTLER

London.

8th March, 1945.

\* Resigned.

WE HEREBY APPOINT Mrs. Muriel E. Nichol, M.P., to be a member of the Committee to inquire into existing methods of providing for children who from loss of parents or from any cause whatever are deprived of a normal home life with their own parents or relatives; and to consider what further measures should be taken to ensure that these children are brought up under conditions best calculated to compensate them for the lack of parental care, in place of Mrs. J. L. Adamson, M.P., who has resigned.

(Signed) J. CHUTER EDE  
 ANEURIN BEVAN  
 ELLEN WILKINSON

London.

8th October, 1945.

## NOTE.

The estimated gross cost of the preparation of this Report and of the Committee's Interim Report (Cmd. 6766) is £2119 13s. 2d., of which £480 10s. 0d. represents the estimated cost of the printing and publication of these Reports.

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(Ends)

# Report of the Care of Children Committee

To: The Right Honourable J. CHUTE EDE, M.P., *Secretary of State for the Home Department*  
The Right Honourable ANEURIN BEVAN, M.P., *Minister of Health*  
The Right Honourable ELLEN WILKINSON, M.P., *Minister of Education*

## INTRODUCTION

1. We were appointed in March, 1945, by the Secretary of State for the Home Department, the Minister of Health and the Minister of Education jointly, with the following terms of reference: "to inquire into existing methods of providing for children who from loss of parents or from any cause whatever are deprived of a normal home life with their own parents or relatives; and to consider what further measures should be taken to ensure that these children are brought up under conditions best calculated to compensate them for the lack of parental care."

2. We have met in full committee on 64 days. We have examined 229 witnesses.\* We have read and considered 114 memoranda submitted by Government Departments, organisations and individuals, including the written evidence submitted by witnesses whom we have subsequently examined orally. We have, individually or in small groups, visited 451 institutions of various kinds in all parts of the country, and have in the course of our tours, interviewed officials and/or members of some 58 local authorities. We have also visited foster homes. Of the administrative counties in England and Wales we have paid visits in 41. We presented an Interim Report on the subject of Training in Child Care on 4th January, 1946.†

3. It is of interest to note that this is the first enquiry in this country directed specifically to the care of children deprived of a normal home life, and covering all groups of such children.

### Scope of the Enquiry

4. It was necessary, at the outset, to consider carefully the precise scope of our terms of reference. The term "child" is variously defined in statutes dealing with different aspects of the problem, e.g., the Children and Young Persons Act, 1933, defines a "child" as a person under 14 years of age and a "young person" as a person over 14 and under 17 years of age; the Public Assistance Order, 1930, defines a "child" as a person under 16 years of age. A "young person" over 16 committed to an approved school under the former Act may be detained there until the attainment of age 19 at the latest and may be under supervision up to the age of 21. Where a local authority, under Section 52 of the Poor Law Act, 1930, assumes parental rights and powers over a child maintained by the authority, these rights and powers may remain vested in the authority until the child reaches the age of 18 years. The War Orphans Act, 1942, which imposes certain duties on the Minister of Pensions in relation to war orphans, empowers the Minister to continue to provide until the attainment of age 21 for the care of a child pensioned by him, although the pension may, and normally does, cease at an earlier age. In view of this diversity of definition of the term "child," we decided that we could not, in our investigation, regard ourselves as bound by any particular limit of age, but must take a broad view of the scope of the enquiry in this respect.

\* See Appendix II.

† Cmd. 6760.

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5. While we have found that the statutes define certain categories of children as needing special provision to be made for their care, we have not confined our investigation to the provision made for the categories so defined; we have made recommendations regarding the care of certain classes of children who in our view require compensation for the lack of parental care though they are not recognised in any existing legislation as being in such need.

6. We have considered the needs of children temporarily deprived for a variety of reasons of normal home life, as well as the needs of those requiring long-term care. We have included within our scope children removed from their homes by order of a Court as well as those who are found through the machinery of the Poor Law or otherwise to be destitute. We have accordingly investigated the conditions of life in approved schools, remand homes and probation hostels as well as in public assistance and voluntary homes. We have however excluded from our consideration all questions concerned with the operation of the penal code, and have made no investigation of the conditions in Borstal institutions. We have considered the residential accommodation for children deprived temporarily or permanently of home life by reason of physical or mental infirmity or deficiency, but have regarded the medical treatment of such children as outside our scope. We have enquired into the circumstances in which children are privately placed in the care of individuals other than their parents or legal guardians with or without payment and with or without the intention of legal or de facto adoption and we make recommendations entailing the amendment of the law relating to adoption and child life protection.

7. We have not regarded ourselves as called upon to deal with children who though suffering from neglect, malnutrition or other evils, are still in their own homes under their parents' care. During the period leading up to a child's removal from his home he may indeed be said to be deprived of a "normal" home life. We have heard conditions described which we should be sorry to think were normal, but the difficulty of drawing the line among children in their homes is obvious. The consideration of the welfare of children deprived of home life has inevitably raised in our minds and in those of many of our witnesses the question whether this deprivation might not have been prevented. This is a question which we regard as of the utmost importance and we hope that serious consideration will be given to it; but it is not the problem with which we have been asked to deal.

#### Classification of the Children

8. The children who come within the scope of our enquiry may be classified in a variety of ways, e.g.,

- (a) according to the circumstances which have deprived them of a normal home life;
- (b) according to the route by which they have come under the care of some authority, organisation or individual other than their own parents or guardians;
- (c) according to the kind of authority, organisation or individual in whose care they are placed;
- (d) according to the type of care they are receiving;
- (e) according to their needs.

There is no exact correspondence between the different classifications. The child's circumstances do not necessarily pre-determine the route by which it comes under care, or the type of authority or organisation in whose care it is placed. The types of care in which the children are placed vary widely, some being common to different types of authority or organisation others

peculiar to authorities or organisations of particular kinds. The correlation of the needs of the children with the type of care they are receiving is very far from being complete.

9. In endeavouring to ascertain the numbers of children in the various categories who come within our terms of reference we have necessarily had to rely upon the classifications described in (b) and (c) of paragraph 8, i.e. we have obtained from the Government departments concerned particulars of the numbers of "deprived" children ascertained by these departments in the course of their administration of the relevant statutes, supplementing those particulars where necessary by information obtained from voluntary organisations. The particulars so obtained do not furnish a complete record of the children with whom we are concerned, because they do not cover children of the classes referred to in paragraph 5 for whom no provision is made by statute.

10. The children with whom we have concerned ourselves can be conveniently considered as falling within the following groups:

- (a) children maintained by local authorities under the Acts and Regulations relating to the Poor Law;
- (b) children found to be homeless on the winding up of the Government Evacuation Scheme;
- (c) children brought before the Courts as delinquent or in need of care or protection and required by the Courts to live elsewhere than in their own homes;
- (d) healthy children maintained by local authorities under the Public Health Act;
- (e) children cared for by voluntary organizations;
- (f) children in the care of private persons who are not their parents or legal guardians whether or not with a view to legal adoption;
- (g) children who by reason of physical or mental handicaps have to be placed for long periods in hospitals or other residential establishments;
- (h) children orphaned by the war.

11. The first main section of our report gives an outline of the statutory provisions and administrative arrangements now made for the care of deprived children. Then follows an account of the conditions in which deprived children were found to be living and a description of the local administrative arrangements in areas visited by members of the Committee. The final section of the report discusses the various factors which enter into a consideration of the problem and contains our recommendations.



## SECTION I

### EXISTING STATUTORY PROVISIONS AND ADMINISTRATIVE ARRANGEMENTS

#### CHILDREN MAINTAINED UNDER THE POOR LAW

12. The largest group of children deprived of a normal home life consists of those who are maintained by local authorities under the Poor Law as poor persons in need of relief. The governing statute is the Poor Law Act, 1930, which is a consolidation of earlier enactments relating to the relief of the poor. The language of this Act betrays the antiquity of some of the enactments of which it is an amalgam and reflects a spirit which, we are glad to say, is not characteristic of the administration of the local authorities, though it may well have been a drag on progress.

13. The Act is administered, under the general direction and control of the Minister of Health, by county and county borough councils (Sec. 2) who may combine for the purpose (Sec. 3) and who normally act through Public Assistance Committees under administrative schemes which may provide for local administration by sub-committees (Sec. 4-6). In preparing administrative schemes the local authorities were required, by Section 5 of the Local Government Act, 1929, to have regard to the desirability of securing that, as soon as circumstances permitted, all assistance which could lawfully be provided otherwise than by way of poor relief should be so provided, and were empowered to include in schemes a declaration that any assistance that could be provided either by way of poor relief or by virtue of certain specified Acts should be provided exclusively by virtue of the appropriate Act. The specified Acts were the Public Health Act, 1875, the Local Government Act, 1888, the Mental Deficiency Act, 1913, the Maternity and Child Welfare Act, 1918, the Blind Persons Act, 1920, the Public Health (Tuberculosis) Act, 1921, and the Education Act, 1921. None of these Acts confers power to maintain healthy children over five years of age.

14. Section 4 (4) of the Poor Law Act, 1930, enables provision to be made in the administrative scheme for any of the functions of the Public Assistance Committee to be discharged on behalf of and subject to the general direction and control of that Committee by any of the other committees of the Council. By these means and also sometimes by less formal agency arrangements some of the work of Public Assistance Committees including the care of destitute children has in a number of areas been taken over by other committees of the Council, usually the Education Committee, Public Health Committee or Maternity and Child Welfare Committee, according to the nature of the work in question.

15. The duty of the local authority with respect to poor persons is expressed as follows (Sec. 15 (1)):

- "(a) to set to work all such persons whether married or unmarried, as have no means to maintain themselves, and use no ordinary and daily trade of life to get their living by;
- (b) to provide such relief as may be necessary for the lame, impotent, old, blind and such other persons as are poor and not able to work;
- (c) to set to work or put out as apprentices all children whose parents are not, in the opinion of the Council, able to keep and maintain their children; and
- (d) to do and execute all other things concerning the matters aforesaid as to the council may seem convenient."

respect of children is "to set (them) to work or put (them) out as apprentices." No general duties as regards education and welfare are specifically laid upon the authorities by the Act. Sections 53-57, however, empower the authority to provide for the children by maintaining them in institutions described as "schools." They may—

- (a) establish "separate schools" for the "relict and management of the children to be received therein";
- (b) send children to "schools" supported wholly or partially by voluntary subscriptions which are certified by the Minister as being fitted for the reception of children, and pay the reasonable expenses of maintenance, clothing and education;
- (c) send deaf and dumb or blind children to special schools fitted for their reception whether certified or not.

17. The authorities may with the Minister's consent make annual subscriptions towards the support and maintenance of voluntary agencies from which persons in receipt of relief have or could have assistance (Sec. 67), and this provision is regarded as authorising the placing of children in voluntary Homes not certified by the Minister.

18. Although the Poor Law Act does not specifically authorise the boarding-out of children it contains (in Sec. 52 (3)) one passing reference which implies that boarding-out is one of the recognised methods of providing for the care of destitute children, and Part VI of the Public Assistance Order, 1930, contains detailed rules on the subject.

19. A very important provision is that contained in Section 52 of the Act which empowers a county or county borough council to resolve in certain circumstances that all the rights and powers of a parent or of both parents of a child shall vest in the council until the child reaches the age of eighteen years. The circumstances in which this action may be taken are that the child is deserted or is a total orphan or that the parents are in certain specified respects unable or unfitted to have control of the child. The power is subject to a right of appeal by a parent or guardian to a Court of summary jurisdiction which may by order determine the resolution. Under Section 52 (7) of the Act public assistance authorities may give consent to the "adoption" by private individuals of children maintained by the authorities, and may revoke their consent at any time during a period of three years from the date of the adoption. During that period they must arrange for the child to be visited at least twice a year. These provisions do not apply to legal adoptions under the Adoption of Children Act, 1926.

20. Section 26 requires county and county borough councils to provide for the reception of children and young persons brought to a workhouse in pursuance of the Children Act, 1908 (now the Children and Young Persons Act, 1933, Sec. 67, "places of safety"). Other provisions of the Poor Law Act, 1930, empower the local authorities to bind destitute children to be apprentices (Secs. 59-66), to procure, subject to the Minister's consent, the emigration of orphan and deserted children (Sec. 68) and to assist boys entering the naval service (Sec. 69). We are informed that little use is now made of these powers.

21. The Minister is required to appoint inspectors for the purpose of assisting in the execution of the Act. The inspectors are "entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief is lodged" and to take part in the proceedings of councils and committees dealing

with poor relief (Sec 9). Public assistance authorities are empowered to send their own inspectors to visit any "certified school" to which they have sent children (Sec. 57 (2)).

22. The Public Assistance Order, 1930, as amended by the Public Assistance (Amendment) Order, 1945, made by the Minister of Health in the exercise of his powers under the Poor Law Act, 1930, contains detailed rules and regulations for the administration of public assistance including the management of institutions, hospitals and children's homes, and lays down conditions under which the authorities may provide for poor children by boarding them out with foster parents.

#### Children in Workhouses

23. Article 27 of the Public Assistance Order, 1930, prohibits the retention of any child between the ages of 3 and 16 in "the institution" for more than six weeks except in the sick wards or on medical grounds. Thus, apart from the sick, the only children over three years of age who should be found in workhouses are those who are admitted in emergency or as a temporary measure. We are, however, informed by the Ministry of Health that the enforcement of this Article has always been a matter of difficulty and this is confirmed by our own investigations. The retention of children under 3 in nurseries in public assistance institutions is common, but the establishment of separate nurseries is growing, with official encouragement.

#### "Separate Schools"

24. The term "separate school" originally meant a self-contained residential establishment, usually of the "barrack" type, in which education was given on the premises, but the statutory power to establish such "schools" is now taken to cover a variety of types of children's Homes in very few of which is education provided for internally; the children normally go out to the ordinary day schools in the neighbourhood of the Homes.

The main types are as follows:—

- (a) Homes forming a single unit, large or small, usually in the charge of a superintendent and matron;
- (b) Grouped "Cottage" Homes, i.e. groups of small Homes each containing 10-30 children in charge of a foster mother, under a superintendent and matron;
- (c) "Scattered" Homes, i.e. small Homes, usually in ordinary dwelling houses, scattered throughout a district—each in charge of a foster mother under central supervision;
- (d) Receiving Homes, i.e. Homes, usually small, specially set apart for the initial reception of children pending a decision on their permanent disposal, or for short-stay cases.

#### "Certified Schools"

25. The term "schools" is here also, as in the case of the "separate schools" an anachronism as very few of the voluntary Homes certified by the Minister of Health for the reception of Poor Law children provide education on the premises. Rather more than 200 such Homes are certified, and more than half of these belong to the large voluntary organisations which are members of the National Council of Associated Children's Homes.

#### Uncertified Voluntary Homes

26. A small number of Poor Law children are sent to voluntary Homes not certified by the Minister, generally where the Home in question provides facilities adapted to the special needs of the particular child.

#### Special Provision for Handicapped Children

27. Apart from the specific power given by Section 58 to send children to special schools for deaf and dumb or blind children, we are informed that it has long been recognised as competent to a public assistance authority to send a sick person, whether child or adult, to any appropriate hospital or other establishment for medical treatment. Some of the children for whom the authorities are responsible are accordingly to be found in hospitals and in special schools or institutions, municipal or voluntary, for the care of handicapped children, including the deaf and dumb and the blind.

#### Boarding Out

28. The boarding out of Poor Law children was, until 1945, restricted by Article 92 of the Public Assistance Order, 1930, to orphan or deserted children and children in respect of whom the authorities had assumed parental rights and powers under Section 52 of the Poor Law Act, 1930. We are informed that departure from the requirements of this Article had for some years been freely authorised by the Minister of Health and the Article was eventually in February, 1945, revoked by the Public Assistance (Amendment) Order, 1945. The immediate object of the change was to facilitate the continuance of private care for Poor Law children who had been billeted under the evacuation scheme. The Regulations require the appointment of area boarding out committees to supervise the boarding out arrangements, and authorise the appointment of paid boarding out visitors to visit the children. We are informed that 85 authorities employ paid visitors only, 21 employ voluntary visitors only and 26 employ both paid and voluntary visitors. Each foster home must be visited not less often than once in every six weeks by a woman member of the committee or by a paid visitor. A child must not be boarded out without a certificate of a medical officer as to his bodily health and mental condition and his suitability for boarding out, and the council is required to arrange for the provision of necessary medical and dental care. The inspectors of the Ministry of Health are empowered by Section 9 of the Poor Law Act 1930 to visit and inspect foster homes, and the foster parents are required by the Rules to give an undertaking to permit the child and the home to be examined at any time by the Ministry's inspectors, by members of the boarding out committee or by persons authorised by the Minister, the council or the committee. The number of children boarded out by public assistance authorities was approximately 5,700 in 1939. In 1946, owing largely to the effects of war the number had been reduced to 4,900.

#### Assumption of Parental Rights

29. The number of children subject to resolutions under Section 52 in 1945 was 5,700. This is about 16 per cent. of the children in the care of the Poor Law authorities. We are informed that resolutions once taken are rarely rescinded by the authority or determined by the Courts.

#### Finance

30. The cost of the maintenance of destitute children under the Poor Law Act is borne on the county and county borough rates. There is no direct

grant from the Exchequer in aid of this service, but the expenditure is, in common with other expenditure of local authorities, taken into account in the calculation of the Exchequer block grant.

### Inspection

31. The inspection of Poor Law Children's Homes and of voluntary Homes in which Poor Law children are received is carried out under the direction of the General Inspectors of the Ministry of Health, who are responsible for the inspection of the whole field of Poor Law administration. There are 11 General Inspectors, assisted by 11 Assistant General Inspectors and 11 Women Inspectors. The Women Inspectors are State Registered nurses, usually with a Health Visitor qualification, and are responsible for the inspection of the Maternity and Child Welfare work of the local authorities as well as the public assistance work. The actual inspection of Children's Homes and Nurseries has until recently been undertaken by the Women Inspectors but is now being shared by the Welfare Officers of the Ministry; these are women with experience in social work, originally employed to supervise the welfare of evacuated women and children during the war. There are 11 Welfare Officers.

### Numbers of children maintained

32. The approximate numbers of children maintained by public assistance authorities at 1st May, 1946, excluding rate-aided patients in mental hospitals and children receiving out-relief in their own homes, are shown in the following Table.

TABLE I				
HOSPITALS AND INSTITUTIONS:				
Sick Wards	...	...	...	3,456
Nurseries and other wards	...	...	...	*3,044
				6,500
CHILDREN'S HOMES:				
Grouped Cottage Homes	...	...	...	7,024
Scattered Homes	...	...	...	4,662
Other Homes— (including separate nurseries)	...	...	...	5,209
				16,895
VOLUNTARY HOMES, ETC. (certified and uncertified):				
Special schools	...	...	...	657
For other than sick	...	...	...	†3,941
				4,598
BOARDED OUT				
	...	...	...	4,892
				32,885

### EVACUATED CHILDREN LEFT HOMELESS

33. On 31st March, 1946, there remained billeted or accommodated in hostels or nurseries in the reception areas 5,200 children who for various reasons were unable to return to homes of their own. Some are orphans, others have a parent or parents who cannot provide a home for them. These children

\* Including in the "other wards of general institutions" 326 children between 3 and 16 years of age who were in separate wards for children.  
† In the voluntary homes are about 15,000 non-Poor Law children also supervised by the Ministry of Health.

might have become chargeable to the Poor Law authorities but having regard to the fact that their situation was largely attributable to the war, the Government decided to provide for them by an interim scheme until new arrangements for the care of destitute children generally are brought into being.

34. The children continue to be billeted or accommodated in hostels, nurseries or special schools for the handicapped, the Exchequer paying the billeting allowances or equivalent sums during the interim period. The responsibility for the welfare of the children and for the balance of the cost including the provision of clothing and pocket-money has been assumed by the county or county borough councils of the areas from which the children were evacuated, the actual work of supervision being delegated to the county or county borough councils of the areas in which the children are now living. About 3,000 of the children are billeted in private households, about 1,200 are in hostels and 1,000 in residential nurseries and special schools.

35. Hostels to the number of over 500 were established during the war to provide for the care of evacuated children who for various reasons including difficulties of behaviour could not be billeted. At 30th April, 1946 there remained 114 hostels, almost all of which were of the type catering for difficult children. In addition to the 1,000 evacuees, the hostels contain about 500 children who have been sent there solely on account of the treatment which the hostels are able to provide, viz. (a) maladjusted children for whom local education authorities have assumed responsibility under Section 33 of the Education Act, 1944, (b) children committed to the care of local education authorities under the Children and Young Persons Act, 1933 and unsuitable for boarding out, (c) children maintained by public assistance authorities and voluntary organisations for whom the hostels provide the most suitable form of care.

36. The hostels are being maintained at present under powers contained in the Defence Regulations as part of the provision made for evacuation and they must in due course be closed down unless they are taken over and adapted to the use of some peace-time service. We are informed that the Ministry of Education, in February, 1945, suggested to a number of local education authorities that they might consider taking over hostels to serve as residential schools for maladjusted children but that, at the date of our latest information (July, 1946) only two hostels had been taken over in this way.

### CHILDREN BROUGHT BEFORE THE COURTS AS DELINQUENT OR IN NEED OF CARE OR PROTECTION

37. The next main group of children with whom our enquiry is concerned consists of those who have been brought before a Magistrates' court and dealt with in accordance with the provisions of the Children and Young Persons Acts, 1933 and 1938. The 1933 Act defines children as under 14 years of age and young persons as between 14 and 17 years of age. For convenience we refer to them all as children except where it is necessary to make the distinction. Under Part III of the 1933 Act, children may be removed from their homes by order of the juvenile courts because they are offenders against the law, refractory or beyond control, or in need of care or protection. The Act fixes the age at which a child can be charged with an offence at eight years (Sec. 50) and requires the courts in dealing with all children who come before them whether as offenders or in need of care or protection or otherwise, to have regard to their welfare, to have them removed from undesirable surroundings, and to have provision made for their education and training. In order to achieve this the Court may—

- (i) commit the child to an "approved school", i.e. a school approved by the Secretary of State for the purposes of education and training.



(a) commit the child to a "fit person" who is willing to receive it (a local authority may be a "fit person" for this purpose).

38. According to the evidence of the Home Office, it is often an accident whether a child is brought before the Court for an offence or as a neglected child, and it is accordingly appropriate that the same methods of treatment should be equally available in either case. The Court may, instead of adopting either of the two courses mentioned in paragraph 37 place the child (if an offender) on probation or (if a non-offender) under supervision, either in his own home or with a requirement that he should reside in some specified place. The Courts may not send children under ten to approved schools unless they cannot suitably be dealt with otherwise. Pending a first or later hearing before the Court, the child may be taken to a remand home, either as a place of safety or for purposes of temporary detention, or he may be detained in a remand home while awaiting a vacancy in an approved school.

#### Approved Schools

39. Local authorities are empowered, with the approval of the Secretary of State, and either alone or in combination, to provide and maintain approved schools, and have the duty of doing so where there is a deficiency of approved school accommodation (Sec. 80).

40. The Secretary of State is empowered to classify approved schools according to age of pupils, religious persuasion, character of education and training, geographical position, etc., so as to secure that a child is sent to a school appropriate to his case; and the managers of an approved school are, subject to certain qualifications, bound to accept any person sent to the school in pursuance of the Act (Sec. 81).

41. The schools are classified according to the ages of the children at the date of committal, thus—

Boys: Junior—under 13.

Intermediate—13 and under 15.

Senior—15 and under 17.

Girls: Junior—under 15.

Senior—15 and under 17.

Two girls' schools have recently been classified as Intermediate, taking girls aged 13-15.

Generally the allocation of children to schools is made centrally by the Home Office. A start has been made with the establishment of classifying schools, where children may stay for a short period before being transferred to schools suited to their needs.

42. The Fourth Schedule to the 1933 Act, which contains detailed provisions relating to the administration of approved schools, confers upon the managers full parental rights and powers in relation to the children committed to their care. An order for committal to an approved school does not specify the period of detention, which is left to the discretion of the managers of the school having regard to the progress made, subject to the limits specified by the Act. Children under 12 may be detained up to the age of 15, and no child may be detained beyond the age of 15; otherwise the period of detention is limited to a maximum of three years. The managers are required to place out the boys and girls on licence as soon as they have made sufficient progress but the consent of the Secretary of State must be obtained for placing out during the first twelve months. A boy or girl may, with the consent of the Secretary of State, be detained beyond the maximum period, if necessary to complete training, but not for longer than six months and not in any case beyond the age of 19.

43. The Act contemplates the exercise of after care by providing (Sec. 74(1)) that every person on completing his period of detention shall remain under the supervision of the managers until at least the age of 18, and if over 15, for a period of three years or until the age of 21 at the latest; and shall be subject to recall at any time while under the age of 19. Employment is found for boys and girls on leaving the schools and where necessary they are placed in suitable lodgings or hostels. Supervision may be exercised by the headmasters and staff, by welfare officers attached to the schools, by local education authorities or by probation officers.

44. There were at the date of our enquiry 141 approved schools in England and Wales, of which 30 were managed by local authorities and 111 by voluntary organisations. There were 89 schools for boys (9,600 places), 51 for girls (2,300 places), and one mixed school (20 places). The number of committals has averaged about 5,600 per annum in recent years.

#### Committal to the care of "Fit Persons"

45. As regards committal to the care of "fit persons," it will be noticed that the local authority, like other "fit persons," is not obliged to take the child. The Secretary of State is empowered to make rules as to the treatment of children and young persons committed to the care of "fit persons," and to provide for the visiting of children and young persons committed to the care of local authorities (Sec. 84 (2)).

46. Local authorities are empowered to board out children and young persons committed to their care subject to any rules in this regard made by the Secretary of State; and are required to select for this purpose, if possible, a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion (Sec. 84(3)).

47. The provisions made by the Acts and Rules for the committal of children to the care of local authorities as "fit persons" and for their being boarded out by the authorities follow the recommendations of the Departmental Committee on the Treatment of Young Offenders which reported in 1927. The number of children under committal rose from 354 in 1934 to approximately 13,000 in 1945. Of the latter number, about 10,000 were committed to local authorities and the remainder to individuals or voluntary organisations.

48. The Children and Young Persons (Boarding Out) Rules, 1935, make boarding out obligatory on the local authority subject to exception for special cases with the consent of the Secretary of State and prescribe the measures to be taken for the care and supervision of the children. The local authority must arrange for every foster child to be visited within a month of his being boarded out and thereafter not less frequently than once every three months. Where a number of children are boarded out in the same locality the local authority is required to appoint a boarding out Committee, if practicable, whose duty it is to see to the care and supervision of the foster children. The visitation of the foster homes may be undertaken by members of the Committee or by paid visitors. A foster child must not be boarded out without a certificate of a Medical Officer as to his bodily health and mental condition and his suitability for boarding out. The local authority is required to arrange for medical attention and dental treatment to be available, and every foster child must be medically examined within a month of being boarded out. The Rules authorize the inspectors of the Home Office to visit foster children, and the foster parent is required to give an undertaking to permit the child and its home to be examined at any time by a Home



Office inspector or any person authorized by the local authority. Circulars issued by the Home Office on the advice of the Local Authorities Advisory Committee (set up by the Home Secretary in 1936) recommend co-operation with the staff engaged in boarding out under the Poor Law and in Child Life Protection work under the Public Health Act and also co-operation between neighbouring authorities. The employment of trained special officers on the work is also recommended.

49. Under the financial provisions of the 1933 Act the cost of maintaining children committed to the care of the local authorities is shared equally between the authorities and the Exchequer, and the Home Office prescribes the maximum boarding out payments ranking for grant. These were increased in 1944 from 15s. to 20s. per week for school children with an allowance of £12 for the provision of a clothing outfit. The maximum weekly allowance in the case of wage-earners is subject to the condition that the allowance plus net wages shall not exceed 30s., the net wages being arrived at by deducting insurance, fares and a maximum of 7s. for pocket money.

#### Remand Homes

50. Every county and county borough council is required to provide remand homes for its area, either within or without the area, and either alone or jointly with another county or county borough council. Arrangements may be made with the authority or persons responsible for the management of any institution, other than a prison, for the use of the institution or any part thereof as a remand home (Sec. 77).

51. The Secretary of State is required to provide for the inspection of remand homes and may make rules as to the places to be used and their inspection, as to the classification, treatment, employment and control of the children and young persons detained therein, and as to their visitation by persons appointed for the purpose (Sec. 78).

52. The primary purpose of the remand homes is the custody of children committed thereto by the courts on being remanded or committed for trial. (Sec. 33). Children may also be lodged in remand homes on apprehension by the police (Sec. 32(2)). Other purposes for which remand homes may be used are:—

- (a) as "places of safety." Under Section 67 of the 1933 Act a child in need of care or protection may be lodged in a "place of safety," which is defined in Section 107 as "any remand home, workhouse, or police station or any hospital, surgery or other suitable place, the occupier of which is willing temporarily to receive a child or young person";
- (b) with the consent of the Secretary of State, for the accommodation of children committed to the care of the local authority and awaiting boarding out;
- (c) for the detention of boys and girls awaiting admission to approved schools (Sec. 69). This use of remand homes has assumed a substantial scale and importance by reason of the acute shortage of approved school accommodation resulting from war-time conditions;
- (d) as places of punitive detention. Section 54 of the Act empowers a court to order the detention of a child or young person in a remand home for a period not exceeding a month. We are informed that this power has been little used, because of the objection to associating in a remand home children under punishment with others who are merely awaiting the decision of the Court;
- (e) As places of detention for absconders from approved schools under the age of 17 pending return to the school or appearance before a court.

#### Probation and Supervision

53. A child or young person who is brought before a Court as an offender may be released on probation (Probation of Offenders Act 1907), and the recognizance into which he enters may contain, *inter alia*, a condition with respect to residence (Criminal Justice Administration Act, 1914, Sec. 8).

54. A child or young person who is brought before a court as in need of care or protection, beyond control or a truant may be placed under the supervision of a probation officer, and the supervision order may contain, *inter alia*, provisions determining the place at which the child or young person is to reside (Children and Young Persons Act, 1933, Secs. 62, 64 and 84, Children and Young Persons Act, 1938, Secs. 2, 3 and 4, Education Act, 1944, Sec. 40). A residence provision in a probation or supervision order may require a child or young person to reside elsewhere than in his own home, and it is in such circumstances that he comes within our terms of reference.

55. The Criminal Justice Act, 1925 (Sec. 5), empowers local authorities to contribute towards the expense of maintaining persons released on probation under a condition as to residence and provides for payments towards such expenses out of moneys provided by Parliament.

56. The power of the justices to direct a boy or girl to live away from home under a probation or supervision order is severely limited. It cannot be exercised in the case of an offender of any age or of a non-offender over 14 years of age without the consent of the boy or girl concerned. No person under 17 can be required to live in any institution not subject to inspection by the Secretary of State unless he is to be employed outside it.

57. The places of residence where children under probation or supervision may be required to live include (i) institutional Homes where some training is given, (ii) hostels from which the boy or girl goes out to work, (iii) lodgings in a private household from which the boy or girl may go out to school or to work. Homes or hostels may be approved by the Home Office for the purposes of Exchequer grant if they observe certain requirements, but may be and often are used for probation and supervision cases although not approved for grant. At 30th June, 1945, 335 boys and 221 girls were resident in approved Homes and hostels.

58. There is no power to contribute to the maintenance of children under supervision orders but we are informed that power to contribute in these cases will be sought in forthcoming legislation. The power of local authorities to contribute to the maintenance of children on probation is unlimited by statute but is in practice controlled by conditions attached to the 50 per cent. grant made by the Exchequer. Thus, grant is limited to persons over 14, with a few exceptions and to residence in approved Homes or hostels or in lodgings. It is limited to six months residence in Homes and to twelve months in hostels or lodgings. In the vast majority of cases the residence direction is for six months, though in exceptional cases such as border line mental defectives it may be for much longer periods.

59. All approved Homes and hostels are regularly inspected by inspectors of the Probation Branch of the Home Office. Others are inspected by inspectors of the Children's Branch. Lodgings are usually left to the inspection of the probation officers who are responsible for supervision of the children throughout the period of residence.

#### Finance

60. The cost of providing approved schools and remand homes and the expenses of maintaining children sent to those schools and homes under the

provisions of the Children and Young Persons Acts, and of maintaining children who are committed to the care of the local authority as a "fit person" or are on probation are met as to one-half out of the Exchequer and as to one-half out of local rates.

#### Regulations

61. Regulations made by the Home Secretary in the exercise of his powers under the Children and Young Persons Acts are contained in—

- (a) The Approved School Rules, 1933 (S.R. & O. 1933, No. 774);
- (b) The Children and Young Persons (Boarding-out) Rules, 1933 (S.R. & O. 1933, No. 787);
- (c) The Remand Homes Rules, 1939 (S.R. & O. 1939, No. 12).

#### Inspection

62. The Secretary of State is empowered to appoint a chief inspector and inspectors for the purpose of the enactments relating to children and young persons (Sec. 103). The main work of the inspectors in the Children's Branch, of whom there were, at the time of our enquiry, twenty (twelve men and eight women) is the inspection of approved schools and of voluntary Homes not inspected by other Departments. They are also responsible for inspection of the boarding out of children committed to the care of local authorities. Four of the inspectors are medical inspectors. There were also, in the Probation Branch, four men and three women inspectors who inspect probation Homes and hostels.

#### Numbers under Care

63. The approximate numbers of children now under care elsewhere than in their homes under orders of the Courts are shown in the following Table.

TABLE II				
IN APPROVED SCHOOLS:				
Boys	...	...	...	9,000
Girls	...	...	...	2,200
				11,200
IN REMAND HOMES:				
(Boys and Girls)				
Local Authority	...	...	...	1,440
Voluntary	...	...	...	100
				1,540
COMMITTED TO THE CARE OF FIT PERSONS, VIZ.:				
(i) Local Authorities—				
(a) Boarded out	...	...	6,000	
(b) In institutional establishments	...	...	4,000	
				10,000
(ii) Individuals and Voluntary Organisations				
	...	...	3,000	
				13,000
UNDER PROBATION OR SUPERVISION, VIZ.:				
In Homes	...	...	...	200
In Hostels	...	...	...	350
In Lodgings	...	...	...	125
				675
			Total	20,415

## HEALTHY CHILDREN MAINTAINED UNDER THE PUBLIC HEALTH ACT

64. Part VII of the Public Health Act 1936, gives local authorities power to make arrangements for the care of children under five who are not being educated in schools recognised by the Ministry of Education. These powers are exercised through Maternity and Child Welfare Committees and have been used by some authorities to establish residential nurseries for the care of children whose mothers are unable to take charge of them. In some instances the Maternity and Child Welfare Committee has taken over from the Public Assistance Committee the care of destitute children under five who are housed in nurseries. There is no right of entry to these nurseries by any government inspector. We are however informed that the medical officers and women inspectors of the Ministry of Health do in fact visit such establishments. The relevant section of the Act has also been taken, in a few areas, to cover the placing of infants in foster homes by the Public Health authority.

### CHILDREN CARED FOR BY VOLUNTARY ORGANISATIONS

65. A large proportion of the children who have no homes of their own are cared for by charitable organisations without ever having been brought before a Court or made chargeable to a Poor Law Authority. The vast majority of such children are however under some degree of public supervision. Part V of the 1933 Children's Act provides for the registration and inspection of "voluntary homes," i.e. homes or other institutions for the boarding, care, and maintenance of poor children or young persons, being homes or other institutions supported wholly or partly by voluntary contributions, but excluding institutions certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of these Acts are received therein (Sec. 92). Persons in charge of voluntary Homes are required, subject to penalties, to send to the Secretary of State annually prescribed particulars with respect to the Homes (Sec. 93).

66. The Secretary of State may cause any voluntary Home to be inspected from time to time, unless it is, as a whole, otherwise subject to inspection by or under the authority of a Government Department (Sec. 94). The Secretary of State, if satisfied that the welfare of the children and young persons in a voluntary Home is endangered, may serve upon the managers such directions as he thinks expedient for the welfare of the children and young persons in the Home. If such directions are not complied with, a court of summary jurisdiction may, on the complaint of any person appointed for the purpose by the Secretary of State, make an order for the removal of all children and young persons from the Home (Sec. 95).

67. The Home Office state in evidence that it has never been found necessary to operate the procedure prescribed in Section 95 of the Act, but that the existence of the power has greatly strengthened the hands of inspectors in dealing with unsatisfactory Homes. Since the date of the Act, four Homes have closed down under pressure from the Home Office.

68. At 31st March, 1945, there were 886 voluntary homes registered with the Home Office. The number of children under 17 in them was 33,500, viz., 17,700 boys and 15,800 girls. Approximately 50 Homes were inspectable by the Ministry of Education as special schools for handicapped children, 2 by the Board of Control under the Mental Deficiency Acts, 375 by the Ministry of Health under the Poor Law Act, and 459 by the Home Office. 471 Homes are managed by the large national societies, each of which has a

central committee of management and local committees for most of the branches. 324 Homes are managed solely by local committees, and 91 are not managed by a committee. 736 Homes are attached to some religious denomination, viz., Church of England 392, Free Churches 185, Roman Catholic 130, Jewish 29, 150 are undenominational. About half the Homes are general in character, taking in children of all ages and keeping them until they are independent; the rest are specialised in one way or another, e.g. training Homes, probation Homes and hostels, mother and baby Homes, Homes for handicapped children.

69. Homes not wholly or partially supported by voluntary contributions, e.g. fully endowed Homes, are outside the scope of the provisions of the 1933 Act and are accordingly subject to no public control or supervision unless they receive Poor Law children, or mentally defective children, or are special schools for handicapped children, in which case they are inspected by the appropriate Department. We have been unable to obtain any satisfactory evidence of the number of such Homes or the numbers of children in them. In a later section of this report we make certain recommendations concerning these Homes.

#### CHILDREN MAINTAINED FOR REWARD

70. The Public Health Act, 1936 (Secs. 206-220) and the Public Health (London) Act, 1936 (Secs. 236-272) make provision for the protection of "foster children", i.e. children under nine years of age who are "nursed and maintained by any person for reward apart from their parents, or having no parents." (References in the following paragraphs are to the relevant sections of the Public Health Act, 1936.) Any person undertaking such nursing and maintenance for reward must notify the welfare authority before the child is received, not less than seven days beforehand for the first child so received and not less than 48 hours beforehand for any subsequent child. "Reward" includes money or money's worth and is irrespective of profit (Sec. 206). A person maintaining a "foster child" must give at least seven days notice of any change of residence, and if he moves into the area of another welfare authority, he must give notice to both authorities. In case of an emergency move, the notice may be given within 48 hours after the change of residence. Notice must be given to the welfare authority and to the person from whom the child was received within 24 hours after the death of a "foster child" or his removal from the care of the foster parent (Sec. 207).

71. Welfare authorities are required to inquire from time to time whether any persons residing in their area undertake the care of foster children, and if so, either to appoint child protection visitors or authorise other suitable persons (one at least of whom must be a woman) to visit and satisfy themselves as to the health and well-being of the children and give any necessary advice or directions as to the care of their health and their maintenance. A philanthropic society may be authorised to exercise these powers in respect of any children placed out by the society and must, in that case, furnish periodical reports to the welfare authority. The child protection visitor or other authorised person has the right of entry to any premises where foster children are kept or where he has reason to believe that they are being kept (Sec. 209).

72. The welfare authority may fix the maximum number of children under nine years who may be kept in any premises in which a foster child is kept and may impose conditions where a specified number of such children is exceeded (Sec. 211). If a foster child is about to be received or is being kept in overcrowded, insanitary or dangerous premises, or by persons unfit to have the care of the child, in contravention of any of the provisions of the Act, or in an environment detrimental to the child, a court of summary jurisdiction may, on the application of the welfare authority, order his removal

to a "place of safety" until other arrangements can be made; in emergency a Justice may make the order on the application of a visitor or other authorised person (Sec. 212).

73. Exemption from the child life protection provisions extends to—
- (i) children cared for by relatives or legal guardians;
  - (ii) persons undertaking the care of children boarded out under the Poor Law or Children and Young Persons Acts;
  - (iii) schools, hospitals or homes maintained by a Government Department, local authority or body constituted by special Act of Parliament or incorporated by Royal Charter;
  - (iv) schools, hospitals or homes exempted by certificate of the welfare authority;
  - (v) mental defectives in institutions or elsewhere who come within the purview of the Board of Control.

The welfare authority also has certain powers of partial exemption in special cases (Sec. 219).

74. The "welfare authority" for the purposes of the Public Health Act, 1936 is—

- (i) In a county borough, the county borough council;
- (ii) In a county district, the council, whether of the county or the district who immediately before the commencement of the Act were the local authority for the purpose of the Notification of Births Acts, 1907 and 1915.

Where in any county district the welfare authority is not the local education authority for elementary education, the Minister of Health may, by order, declare that the latter authority shall be the welfare authority in lieu of the former.

75. The authorities concerned with the child life protection service are the authorities who administer the maternity and child welfare services, and the work of the child protection visitor is normally entrusted to the Health Visitors, who are generally State Registered Nurses who have had special training in health education. The work of the welfare authorities, including the child life protection work, is carried out under the general supervision of the women inspectors of the Ministry of Health, who are State Registered Nurses and Certified Midwives and generally hold a Health Visitor's Certificate. The women inspectors, unlike the local authority's child protection visitors, have no statutory right of entry to foster homes.

76. At the end of 1944 there were 14,213 children under the supervision of welfare authorities in England and Wales in accordance with the Child Life Protection provisions of the Public Health Act. Of these 1,811 were in voluntary Homes or institutions not exempted under the Act and 1,709 in residential nurseries run for profit.

#### CHILDREN PLACED FOR ADOPTION

77. Legal adoption was introduced into this country by the Adoption of Children Act, 1926, which was based on the recommendations of the Child Adoption Committee under the chairmanship of Lord Tomlin. Applications for adoption orders can be made at the option of the applicant to the High Court, County Court or Juvenile Court (Sec. 8(1)). An adoption Order is irrevocable but an adopted child can be readopted either by its parents or by a third party (Sec. 7). Applications are dealt with in private and Rules made by the Lord Chancellor prescribe the procedure in each type of Court. Every Court must appoint some person or body to act as guardian *ad litem* with the duty of safeguarding the interests of the child before the Court, and for that purpose investigating as fully as possible all the circumstances of



the child and the applicant and all other matters relevant to the proposed adoption. A local authority may, with its consent, be appointed guardian *ad litem*.

#### **Interim Orders**

78. The Court may postpone determination of an adoption application by making an interim order. This gives the custody of the child to the applicant for not more than two years by way of a probationary period. An interim order cannot be made without all the consents required for an adoption order (Sec. 6).

#### **Registration of Adoptions**

79. Every adoption order is registered in the Adopted Children Register at the General Register Office. A certified copy of an entry in the Adopted Children Register (which does not show the birth name of the child or its parentage) serves as evidence of adoption and of date of birth (where known) as though it were a certified copy of an entry in the Register of Births.

#### **Adoption Societies and Agencies**

80. The Adoption of Children (Regulation) Act, 1939, was based on the recommendations of the Departmental Committee on Adoption Societies and Agencies under the chairmanship of Miss Florence Horsbrugh. In view of the outbreak of war its operation was postponed by the Postponement of Enactments (Miscellaneous Provisions) Act, 1939, and it was not brought into force until the 1st June, 1943. The Act prohibits any body of persons other than a registered adoption society or local authority from making arrangements for adoptions and provides for the regulation of the work of registered adoption societies. It also provides for the supervision of children under 9 who are placed for adoption through the agency of a third party but arrangements for adoption made direct between a child's parent or guardian and an adopter in this country are not affected. The Act also prohibits adoption advertisements by individuals, regulates the sending of children abroad for adoption, and prohibits the giving or receiving of money in connection with adoption, except with the consent of the court.

81. A body of persons, other than a local authority, may not make arrangements for adoptions unless registered with the county or county borough council for the area in which their administrative centre is situated (Sec. 1 (1)). Only charitable associations may be so registered (Sec. 2 (2)). Registration may be refused or cancelled on the ground that the activities of the society are not controlled by a committee of members responsible to the members of the society, or that any person proposed to be employed or employed for the purpose of making arrangements for adoption is not a fit and proper person to be so employed, or that the number of competent persons proposed to be employed or employed is insufficient having regard to the extent of the activities of the society, or that any person taking part in the management or control of the society or any member of it has been convicted of an offence under the Act. Societies have the right of appeal against refusal, or cancellation of registration (Sec. 3). After registration the authority is entitled to inspect the books of the society and to be given information to enable them to decide whether registration should be cancelled (Sec. 5).

82. The Adoption Society Regulations, 1943, prescribe the information to be given by an adoption society to a parent or guardian who proposes to place a child at the disposal of the society (Regulation 3 and Second Schedule), and the points on which enquiry must be made and reports obtained in the case of every child proposed to be delivered by or on behalf of a registered adoption society into the care and possession of an adopter (Regulations 4 and 5 and Third Schedule). Regulation 7 requires adoption societies to make adequate arrangements for care and supervision of children placed by their parents or guardians in the care of the society, and to visit in the first month

and thereafter at least once in every three months, every such child who is not living under the direct control of the society and is not subject to visits by the local welfare authority.

#### **"Third Party" Arrangements**

83. Under Section 7 of the Act any person who, not being the parent or guardian of the child or the person in whose care and possession he is to be placed, participates in the arrangements for placing a child under 9 must give seven days' notice in writing to the welfare authority. Thereafter, until a legal adoption order is obtained, the child and the home in which he is placed are subject to broadly the same degree of supervision with the same powers of inspection and removal, etc., as are provided, in the case of the child under 9 maintained for reward, by the Child Life Protection provisions of the Public Health Act (see paragraphs 70-76 above), and the work is generally carried out by the child protection visitors of the welfare authority. Any adopter or other person giving or receiving remuneration or reward in connection with any "third party" adoption arrangements is guilty of an offence.

#### **Numbers**

84. The number of legal adoptions between the passing of the Adoption of Children Act, 1926, and the end of 1945 was 127,189, the number in the last year being 16,357, of which approximately 4,000 were effected through registered adoption societies. At the end of 1944 there were 2,441 children under the supervision of welfare authorities as having been placed for adoption by third parties.

#### **HANDICAPPED CHILDREN EDUCATED AWAY FROM HOME**

85. The Education Act, 1944, makes provision for the care of children who, by reason of physical or mental handicaps, are obliged for educational reasons to live elsewhere than in their own homes. By Section 8 (2) (c) local education authorities are required to provide, either in special schools or otherwise, special educational treatment for (educable) pupils suffering from any disability of mind or body. Section 33 empowers the Minister of Education to make regulations defining the categories of pupils requiring special educational treatment, making provision as to the special methods appropriate for the education of pupils of each category, and as to the approval of schools as special schools. Section 34 requires local education authorities to ascertain what children in their area require special educational treatment, and to provide such treatment.

86. The Handicapped Pupils and School Health Service Regulations, 1945, made by the Minister of Education, define the categories of pupils requiring special educational treatment and prescribe the modes of education to be provided. Blind, deaf, physically handicapped, epileptic and aphasic children must be educated in special schools, which in the case of the blind and epileptic children must be boarding schools. Other classes of handicapped children may be educated in ordinary schools where certain prescribed conditions are fulfilled. The Regulations prescribe the conditions for approval of special schools, e.g., minimum number of pupils, maximum size of classes, qualifications of staff, etc. They also provide for the approval by the Minister of boarding homes and for the inspection by the local authority at least once a term of foster homes in which handicapped pupils are boarded out; for the latter purpose local authorities are advised in a covering circular to employ, if possible, trained social workers or school nurses with health visitor qualifications.

87. A number of the special schools recognized by the Ministry of Education are conducted in hospitals or sanatoria where children are undergoing prolonged treatment, and the Regulations provide for the modification, with the Minister's approval, of the standard conditions to meet the special circumstances of the hospital regime. Residential special schools are in general

inspector of the Ministry of Education on both the educational and domestic sides, but hospital and sanatorium schools in which the general regime is under the control of the hospital authority are inspected only on the educational side.

88. According to the latest information available to the Ministry of Education there are approximately 14,500 children in residential special schools in England and Wales, 6,300 being in schools provided by local education authorities and 8,200 in schools provided by voluntary bodies.

#### MENTALLY DISORDERED AND MENTALLY DEFECTIVE CHILDREN

89. The care and treatment of persons suffering from mental illness in England and Wales are governed by the provisions of the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Treatment Rules, 1930. Patients dealt with under these provisions are accommodated in public mental hospitals, registered hospitals, licensed houses, nursing homes, Poor Law institutions, and public hospitals and in single care (in private houses).

90. The care of the mentally defective in England and Wales is governed by the provisions of the Mental Deficiency Acts, 1913 to 1938, and the Mental Deficiency Regulations, 1935. Mental defectives dealt with under these provisions are accommodated in certified institutions provided by local authorities, approved public assistance institutions, certified houses, and approved homes, and under individual guardianship.

91. Responsibility for the administration of the Lunacy and Mental Treatment Acts and Mental Deficiency Acts rests with the Board of Control, consisting of a chairman and four senior Commissioners appointed by the Crown, and responsible to the Lord Chancellor and the Minister of Health. The Board supervises the observance of the statutory requirements in connection with the reception, detention, treatment and discharge of mental patients and the protection and control of defectives. In particular, it provides for the periodic visitation by visiting commissioners of every hospital and institution in which mental patients or defectives are accommodated and of every mental defective under guardianship. Councils of counties and county boroughs are required to provide for the care of persons of unsound mind and mental defectives in their areas; administration is carried out through visiting committees and committees for the mentally defective.

92. The number of known children of unsound mind (lunatics) is relatively small. The majority are in public mental hospitals where there were about 400 in 1945. The number in public assistance institutions and public health hospitals is not known to the Board of Control who receive no records although they visit and inspect.

93. The children dealt with under the Mental Deficiency Acts are those who are incapable of receiving education in a school, educable children being the responsibility of the education authorities. Section 57 of the Education Act, 1944, places upon local education authorities the duty of notifying the local authority for the purposes of the Mental Deficiency Act, 1913, of any child over two years of age found to be incapable, by reason of disability of mind, of receiving education at school. A similar notification is required to be given before the attainment of school-leaving age of any school-child who by reason of disability of mind appears to require supervision after leaving school. Considerable numbers of certified mentally defective children are in public assistance establishments approved for the reception of defectives by the Board of Control under Section 37 of the Mental Deficiency Act, 1913. We are informed that this is a temporary measure due to the lack of sufficient accommodation in certified institutions. There is also an unknown number of uncertified mentally defective children in such establishments, also in

workhouses not approved for the reception of defectives and in children's Homes; these children are not subject to visitation by the commissioners or inspectors of the Board of Control.

94. The following table shows the numbers of certified mentally defective children under care at 1st January, 1946.

TABLE III

In the State Institution	21
In Local Authority Certified Institutions	5,817
In Approved Public Assistance Institutions	1,153
In Certified Homes	29
In Approved Homes	279
Under Guardianship	210
	<hr/> 7,512 <hr/>

#### CHILDREN ORPHANED BY THE WAR

95. The War Orphans Act, 1942, applying and extending the provisions of Section 9 of the War Pensions (Administrative Provisions) Act, 1918, makes it the duty of the Ministry of Pensions to provide for the care of children for whom pensions or allowances are payable in respect of the death of a parent in the war and who are suffering from neglect or want of proper care. This duty continues until the child attains the age of 21, although the pension or allowance may, and generally does, cease before that age. By Section 75 of the Children and Young Persons Act, 1933, a child for whose care it is the duty of the Minister of Pensions to provide may, by order of the Court, be committed to his care or to the care of a person appointed by him. The Minister also has power, under the Royal Warrants, to administer pensions payable in respect of any children, i.e., to apply them in any manner he thinks fit for the benefit of the children concerned.

96. As regards the great majority of the orphaned children for whose care the Minister has to provide, the arrangements are confined to the visiting of the homes to advise and assist the de facto guardians regarding the child's health, welfare, education and employment, and to co-operation with school teachers and employers. Some 3,200 children are being supervised in this way. A further 850 children are supervised in their own homes because of unsatisfactory home circumstances which necessitate a pension being administered by the Minister.

97. Entire custody had, at the date of our enquiry, been assumed by the Minister in the case of 411 children by committal under Section 76 of the Children and Young Persons Act, 1933, or at the instance of local authorities who had assumed parental rights by resolution under Section 52 of the Poor Law Act, 1930, or by the Minister's own powers under the War Orphans Act, 1942. With the exception of 11 children placed in institutional accommodation for special reasons these children were all boarded out with selected foster parents. The children are provided with a complete outfit of clothes and the foster homes are regularly visited to ensure the welfare of the children. For the purpose of carrying out his responsibilities towards the children for whose supervision he has to provide, the Minister employs 18 whole time Regional Children's Officers (all women) working under the direction of a Children's Branch at the Headquarters of the Ministry.

#### SUMMARY OF EXISTING ARRANGEMENTS

98. We are now in a position to give a summary description of the very complicated position revealed in the foregoing paragraphs of our Report. Responsibility for providing or supervising the substitute home for the

deprived child may be taken by the State, by local authorities, by voluntary organisations or by private persons. The State through the Ministry of Health supervises the work of local authorities in caring for destitute children under the Poor Law. Such children may, however, be accepted by voluntary Homes independently of any public authority, in which case, if the voluntary organisations concerned receive subscriptions from the public, the State, through the Home Office, brings them under inspection; or it may do so through the Ministry of Health if that Department "certifies" the Homes as suitable for Poor Law children or if Poor Law children are received in them. If the voluntary organisations receive no public subscriptions, and do not take of age "for reward," be visited by the welfare authority's child protection visitors; otherwise, they may come under no public supervision at all. Children under 9 years of age "fostered" for reward, or placed by private persons (not the parents or guardians) for adoption, are supervised by local authorities under the direction of the Minister of Health through the child life protection service. Those over 9 received for reward and those for whose maintenance no reward is given are not the care of any public authority. Children removed from their homes by order of a Juvenile Court may, if "committed to," and accepted by the local authority as a "fit person", be entitled to full parental care and guardianship from the authority; normally this responsibility is exercised by boarding the child out under rules laid down by the Home Office, but if there is difficulty in finding a foster home, the child may be left in a public assistance institution, in which case the Ministry of Health is concerned. Other children removed from their homes by Court order may be in approved schools for remedial training or in remand homes awaiting a decision of the Court, in which case, though the local authority (or a voluntary organisation) may provide the institution, the Home Office is directly and closely concerned with its regulation and management. War orphans committed to the care of the Minister of Pensions are the direct charge of the Ministry and are generally placed in foster homes and supervised by officers of the central department. These officers also supervise children in private care who are receiving war pensions. The groups of children we have enumerated are assumed to be physically and mentally normal. Then there are the mentally disordered, or the mentally defective and ineducable, who should be in local authority or voluntary institutions inspected by the Board of Control; the retarded and educationally handicapped, and the physically defective, also divided between local authority and voluntary establishments, and inspected by the Ministry of Education.

99. It will be observed that not only does the responsible department vary, but so does the closeness of State direction and control. In some cases, e.g. the "fostered" children, it is remote. At the other end of the scale there are several shades of difference. With local authorities, too, the degree of responsibility may vary. The care of destitute children under the Poor Law is laid upon them clearly by statute; but when children are removed from their homes as in need of care or protection it is open to the authority to refuse to accept the charge of them. There are reasons, historical and other, for these differences, and some of them are good, and correspond to a genuine difference in circumstances. But it would not be difficult to find children similar in type and circumstance whose treatment has been quite different merely because they have been dealt with by different departments under different statutes. Table IV on page 27 shows the classification of the deprived children whose care is now provided for by statute or by administrative machinery, the agencies responsible for their care and the types of home in which they are placed.

TABLE IV

Statistical Summary

Children Deprived of a Normal Home Life

Category of Children	Responsible Government Department	Disposal					TOTAL
		Local Authority Institutions	Approved Schools	Remand Homes	Voluntary Homes and Hospitals	Approved Probation Houses and Hostels	
1. Destitute ...	Ministry of Health ...	P.A. Institutions ... P.A. Children's Homes ...	— —	— —	Chargeable to the Poor Law Others ...	— —	57,64 3,28 10,71
2. Homeless Evacuees	Home Office ...	—	—	—	9,700 300	—	—
3. Maintained for Reward (under 9).	Ministry of Health ...	—	—	—	—	—	—
4. Fostering Adoption (third party).	Ministry of Health ...	—	—	—	—	—	—
5. Removed by Order of Court (delinquent or in need of care or protection).	Home Office ...	—	11,200	1,500	2,000	700	23,40
6. Mentally Disordered or Mentally Defective (ineducable).	Board of Control	7,000	—	—	300	—	7,30
7. Physically or Mentally Handicapped (educable).	Ministry of Education	Special Schools 6,300	—	—	8,200	—	14,50
8. War Orphans	Ministry of Pensions...	—	—	—	—	—	—
		100,000	11,200	1,500	40,100	700	154,50



## SECTION II

### HOW THE CHILDREN ARE CARED FOR NOW

#### INTRODUCTION

100. Between our fortnightly meetings for the hearing of evidence and for discussion, a great deal of our time has been taken up in examining for ourselves the different types of care given to children deprived of normal home life. In order to do this we divided ourselves into groups, each of which was responsible for visiting a number of counties in England and Wales and for the examination in each area of some of the methods of caring for children in the charge of local authorities and voluntary societies. In all we visited 41 counties.

101. Lists of Homes and other institutions under inspection by the Government Departments were supplied to us; we also made inquiries in the area and frequently received from members of the public information about Homes which were considered to fall below the required standard. We gave no notice of our visits to Homes and while on a few occasions we found that we were expected, as a general rule it was obvious that the visit was a surprise. It is perhaps a measure of the interest taken by the staff of Homes in the care of children as a calling that a large number had not heard of the appointment of a Committee to inquire into these questions. In no case was there the slightest attempt to hinder us from visiting or from seeing whatever we wanted to see. When the reason for our visit was fully understood we received the greatest assistance and co-operation from officials and staff. We were at all times free to go wherever we wished and to talk freely and alone with members of the staff and the children. We were only able to visit each Home once and had to take them as we found them, so that we were not usually able to meet all the staff and the children. We did however visit enough Homes to provide a good sample of each kind of care. A much more searching inquiry would have been necessary if we had intended to give a judicial opinion on the merits of any establishment and we have therefore thought it right not to mention any one of them by name in this Report.

102. In a number of areas we were able to visit individual foster homes in which children had been boarded out. These were picked at random from a list supplied a day or two beforehand by the official concerned. We met on this side of our work the most complete confidence and friendliness. In a number of homes there was a more real appreciation of the purpose of our visit when it was explained than we found in the institutional Homes. In some areas we paid a few visits in company with the boarding out visitor as well as visiting alone. As a rule not more than one Committee member visited any one foster home.

103. Before or after seeing the actual care given to the children in the area we arranged, whenever possible, a conference with the Education, Public Assistance and Public Health authorities to discuss any matters of interest or difficulties which we had noted. These discussions were, we believe, valuable to the authorities as well as to ourselves, since they gave an opportunity of testing the arrangements for supervision in a practical way.

104. In this way we were able to assess the care given to some 30,000 children whom we saw living away from their homes, and to form some judgment of the well being and happiness of such children in the country as a whole.

105. For the purposes of this Section of our report we made a preliminary note on local authority administration and then described the different types of care which we examined under headings as follows: Children in Workhouses; Public Assistance Homes; Public Assistance Nurseries and Public Health Nurseries; Homes Managed by Voluntary Organisations; Hostels for Working Boys and Girls and Probation Hostels; Approved Schools; Remand Homes; Homes and Institutions for Handicapped Children; Boarding Out. In each case the same points were noted by the members of visiting groups so that it has been possible to make some final comparison of the different types of care. Every effort was made to check our impressions by such means as questions and discussions with staff and children, with old boys and girls and by local opinion. The observations and conclusions here set out are based only on our own experience but we have been interested to see from inspectors' reports at a later date how often our impressions had been shared by other visitors. We think we have seen a representative cross section of the various forms of care, and that our visits have enabled us to see for ourselves illustrations of the main varieties of the upbringing of children in residential Homes and private families. We realise that there are certain features of the lives of children which could not be finally judged without a more intimate and prolonged association with the children and those in charge of them. Nevertheless, we found that we were increasingly able to judge from the attitude of the children towards visitors, from their appearance and general ease and confidence, whether the care was of the kind in which children could thrive. Questions such as the provision for leisure, the suitability of buildings and the adequacy of records were relatively easy to judge.

#### LOCAL AUTHORITY ADMINISTRATION OF CHILDREN'S CARE

106. When visiting children's Homes in any area it was usual for members of the Committee to obtain a statement from county or county borough officials indicating the administrative arrangements for the area. These arrangements were discussed with the chief officials concerned. Our observations are, therefore, based on written and verbal information received from responsible senior officials and on what we saw of the working of the administrative system when visiting the institutions and Homes.

#### Counties

107. The administration of workhouses and children's Homes is necessarily different in counties and county boroughs because in counties there are Guardians Committees which undertake certain duties in connection with the administration of Homes on behalf of the Public Assistance Committee. These Guardians Committees are sub-committees of the County Public Assistance Committee and have sometimes a good deal of local autonomy. We found that workhouses were almost always looked after by the local Guardians Committee. In regard to the children's Homes the practice varied. In some instances, no control appeared to be exercised by any central committee and although the Public Assistance Committee was nominally responsible, the supervision of the various Homes seemed to have been left almost entirely to the local Guardians Committees, acting usually through one or more sub-committees. In other counties there was a special sub-committee of the Public Assistance Committee, which was responsible on behalf of that Committee for the administration of all the children's Homes in the county. It seemed to us that there was an increasing tendency towards this arrangement. It was, however, still a usual practice for even such sub-committees to act through the local Guardians Committee rather than direct. In those instances where there were nurseries

own supervision and management was undertaken by the Guardians Committee, through a sub-committee which was responsible for the workhouses.

108. An example of central control is a county where a Management Committee is appointed by the Public Assistance Committee to administer, not only the children's Homes but all Public Assistance establishments in the county. This Management Committee is made up of persons nominated by the various Guardians Committees, certain members of the Public Assistance Committee, and members appointed by the Public Assistance Committee from outside its own body. The Homes and institutions are visited by members of the Management Committee on a rota system.

109. As an illustration of the different methods which are sometimes adopted in the same county, an instance may be given of the arrangements in one county where one large group of Cottage Homes is managed centrally by a Children's Sub-Committee of the Public Assistance Committee, as these Homes happen to be situated in the county town, but each of the other Homes in the county is managed by the local Guardians Committee. The central Children's Homes Sub-Committee does, however, appear to exercise some general control of policy in regard to the Homes generally.

110. Another course is adopted in a county where each Home is administered by a Children's Sub-Committee of the Guardians Committee, or by a sub-committee which also administers one or more public assistance institutions, but uniformity in administration is achieved through a central Children's Sub-Committee of the county Public Assistance Committee which considers all matters relating to children, and deals with the recommendations made by the various Guardians Committees. This arrangement does therefore promote some uniformity which may be absent when there is no central committee.

111. Where there was no central supervisory committee, co-ordination appeared to depend on the degree to which the county Public Assistance officer could exercise his influence on the various Guardians Committees. In a large rural county we found some tendency on the part of the local Guardians Committees to resent suggestions or criticisms from the Public Assistance Committee. Strong resentment was also shown in one instance against an adverse report of the Ministry of Health Inspector on one of the Homes and it appeared, from the discussions at one meeting of which we saw a report, that the local committee felt quite able to manage its own affairs without "interference" either by the Public Assistance Committee or the Ministry of Health.

112. We visited only one county in which the functions of the Public Assistance Committee, in so far as they relate to children, were discharged by the Education Committee, though we understand that there are at least four others. In accordance with the provisions of the Poor Law Act, 1930, such delegation is "subject to the general direction and control of the Public Assistance Committee." In this county the Education Committee had appointed a special sub-committee, known as the Children's Care Sub-Committee, to carry out these duties—as well as the statutory duties arising from the committal of children and young persons to the care of the county council, under the Children and Young Persons Act, 1933. The county was divided into areas for the purpose of boarding out children, a Boarding Out Committee being appointed for each area, and where there was a children's home in that particular area, the committee was augmented, if necessary, and supervised the Home on behalf of the Education Committee. The local committees administering the Homes met at each Home monthly.

113. In counties where the Homes were still administered by or on behalf of the Public Assistance Committee, through a Children's (or a Children's Homes) Sub-Committee, the visiting of the various Homes was usually undertaken by members of the appropriate Committee or Sub-committee under a rota system. In some instances the visits did not appear to have been as regular as would seem desirable, owing no doubt partly to war-time travelling difficulties. This Committee or Sub-Committee generally retained responsibility for the classification of the children, for routine consideration of individual cases and for the appointment of at least the senior members of staff. Where, on the other hand, responsibility for administration of Homes rested with the Guardians Committee the members appeared to be given considerable powers including the appointment of junior staff and responsibility for visiting the Homes.

114. In several instances we were told that the majority of members of Sub-Committees or Management Committees were women. In one area it was the custom to select women members of the Public Assistance Committee to sit on the Sub-Committee managing the Homes. In most cases there was provision for co-option.

115. Before the war it seems to have been usual for the Sub-Committees or Management Committees to meet at the various Homes in rotation and some members of staff regretted the discontinuance of this arrangement which had enabled them to keep in close touch with the Sub-Committee as a whole. Sometimes the staff in charge of Homes were asked to meet the Sub-Committee at headquarters. It was usual for the members individually to visit the various Homes in rotation but sometimes local visitors were appointed from outside the Committee. In one area the Management Committee was made up of members of the Public Assistance Committee and members of the Guardians Committees. Very much the same arrangements existed for the supervision of workhouses. Visits were paid by members in a rota system and meetings were held at each institution in turn.

#### County Boroughs

116. The position was more simple in county boroughs where there was usually only one group of children's Homes. The Public Assistance Committee was usually responsible for the detailed oversight of its own establishments and sometimes, we found, acted through Management Committees. It was more usual, however, for a Sub-Committee to be appointed either for each establishment or for a group of establishments. The Sub-Committees met at regular intervals. In some areas the staff was appointed by the Sub-Committee; in a few areas by the Public Assistance Committee. The Sub-Committees usually arranged for members to visit the workhouse and Home under a rota system.

117. In some Boroughs the responsibility for children's Homes had been delegated to the Public Health Committee or the Education Committee or both. The system in operation in one large city may be mentioned as illustrative of the arrangements generally prevailing when such an arrangement is in force. Here, the functions of the Public Assistance Committee, insofar as they relate to the care and maintenance of children were, generally speaking, discharged by the Public Health Committee and the Education Committee. A system of fortnightly "revision" of the children admitted to the various Homes was, however, undertaken by a sub-committee of the Public Assistance Committee. The two large groups of children's Homes were administered by the Education Committee. Although the delegation is "subject to the general direction and control of the Public Assistance Committee" it did not appear to us that the Public Assistance Committee interested



itself in these Homes; the Homes are said to be open to inspection both by the Education Committee and the Public Assistance Committee. Before the war it was the practice of a sub-committee of the Education Committee to hold meetings at the Homes. Since the war—and up to the date of our visit in June 1945—no meetings had been held at the Homes, but the Superintendent and Matron were invited to attend meetings of the sub-committee at the education office. Before the war members of the sub-committee visited the Homes monthly under a rota system, but since the outbreak of war visiting was undertaken by one member only. In fact, even monthly visits do not appear to have been carried out regularly. The residential nurseries were administered by the Public Health Committee.

118. In another city the Maternity and Child Welfare Committee was responsible for children under five and the Public Assistance Committee for older children. The children's Homes were a large group of cottage homes with a nursery. The Homes for older children were managed by a Children's Sub-Committee of the Public Assistance Committee which met monthly, either at the Council House or at the children's Home. The Homes were visited by members under a rota system. The nursery, although in the same grounds as the cottage homes, was administered by the Public Health Committee. A nursery school in conjunction with the nursery was the responsibility of the Education Committee.

#### Forms of Delegation

119. The intention of delegation had been to put an end to the separation of destitute children for whom the Public Assistance Committee was responsible from the children who were receiving residential care through other committees of the Council. But the fact that, whichever committee of the Council accepted immediate responsibility for them, the Public Assistance Committee was ultimately answerable for their welfare, seems to have meant that the advantages of delegation were often impaired not only by the administrative complications which resulted, but by more frequent changes of care than might have occurred if the same Committee of the Council had remained responsible throughout.

120. The various forms of administrative complication arising from delegation may be illustrated by a County Borough in which while the Education authority was directly responsible for the Cottage Homes the Public Assistance Committee retained ultimate responsibility for the Homes, which were closely connected with the workhouse under Public Assistance supervision and shared its medical services. Members of the two Committees appeared to be in constant argument. The child after infancy in the workhouse nursery might be moved for a short period to the Children's Homes, then to a residential nursery under the Public Health Committee and at 5 back to the Cottage Homes. Finally the Education authority might be responsible for his after care. During his childhood any contacts with his relations would be made through a special branch of the Public Assistance Department, except insofar as any relatives might visit him at the Homes. In this process of transfer from an establishment under one Committee of the Council to an establishment under another Committee continuity even of records of health, development and home conditions must have been difficult, if not impossible, to maintain, and this may have largely accounted for the inadequacy of the records which we found.

121. In some areas the Homes were managed by a joint Committee of the Public Assistance and Education Committees and of the Public Assistance and Public Health Committees. Delegation to an existing Committee was as a

rule less satisfactory than joint Committees. The Joint Committees provided a wider circle of people in contact with the Homes and led to higher standards in the care of the children.

122. In several areas where we discussed the relations between the various committees of the Council there was a clear realisation of the need for unification, so that it would no longer be possible for the homeless child to be transferred from one committee to another as he reached the various ages with which the several committees were concerned.

#### General Observations on Administration

123. We think it may be useful if we offer a few general observations on this aspect of our investigations:—

- (i) In counties the usual arrangements do not appear to achieve uniformity in administration of the children's Homes. Where administration is left largely to local Guardians Committees the standard of administration is generally lower than where there is co-ordination or where a varying degree of control is exercised by a central sub-committee of the Public Assistance Committee. It seems that in some counties there is little likelihood of a general improvement in the standard of care in children's Homes, until the powers of local Committees are limited to what may be described as friendly visiting of the various Homes, leaving policy and general control to a central committee or sub-committee of the authority. Each county Public Assistance Committee is responsible in law for administration throughout the county, but in some areas which were visited it seemed to us that the Public Assistance Committees tended to leave too much to local Guardians Committees, the members of which sometimes seemed to be still imbued with ideas generally prevailing before the Boards of Guardians were abolished. Although it seemed to us that central, rather than local, administration in a county achieved better results, much clearly depends on the attitude of members of the central committee.
- (ii) We were impressed with the value of members of local sub-committees who could undertake friendly visiting of the Homes in their area.
- (iii) Some county Public Assistance Committees seem to have been somewhat nervous of exercising their powers from fear of upsetting members of local Guardians Committees.
- (iv) Speaking generally we did not find a higher standard of administration of child care in those areas where the council had entrusted the supervision of Public Assistance children's Homes to the Education Committee.

#### Records

124. At the local authority institutions and children's Homes which we visited, we made inquiries about the type of records kept and were shown a number of examples. The general conclusion drawn from those we saw was, that apart from bare identifying facts (name, date of birth, etc.) religion, date of reception and discharge, and entries about health, no written information was given to those in charge of the children. In some instances a few facts had been given to the Matron of a children's Home over the telephone or by the escort to the Home. It was also generally true that, with the exception of certain entries regarding health, no written record was kept of the child's stay in the institution or Home; consequently no record of the child's development could be handed on when he left.

125. It seems likely that the following accounts by a visiting group, of records kept in institutions under one authority, are typical.

"The only record received or passed on is an 'identifying' and a medical record."

"Six two-year-old children had recently been admitted from another institution under this authority, and the matron found that they were suffering from scabies and impetigo, though no note of this fact had been sent to her at the time of their transfer, and it was impossible to isolate them with the accommodation at her disposal."

Another example:

"I ran through a list with the Master which had been provided by the Public Assistance officer, of children who had been received into the institution on a 'place of safety' order. He did not seem clear which of the children had been received in this category. . . . No records about the children other than the brief admission card and medical particulars are received here, though it is clear that the Matron and Master take trouble to get to know about the children by discussion."

126. We seldom found that Superintendents and Matrons of children's Homes were aware of, or regretted, the lack of information about the children in their care. In one or two instances we were told about the difficulty of dealing with children whose histories were unknown; these were exceptions. In one instance in which the Public Assistance Officer had given a good deal of information to the cottage mothers, one of them regretted that similar information was not given about the children for whom the local authority was acting (through the Education Committee) as "fit person," as they were often more difficult children. The fact that no case records are kept in institutions or Homes does not of course imply that no records are kept in the central offices of the Public Assistance department. We found that a great deal of information was filed in the office which was not communicated to those in charge. It would not be fair to judge the general adequacy of the records without a much more careful study of the case files of the Public Assistance Committee than we were able to carry out.

127. We heard one serious criticism of medical records from the medical officer of a workhouse who was also responsible for the medical supervision of the children's Homes. He said that in his area the children came into the Homes without a medical record so that he did not know whether a child had been immunised or whether there was risk of tuberculosis or venereal disease. No education history was available, so that even if the child had been recognised as defective the fact would not be known until he re-entered school. Another medical officer told us that one of the difficulties of treating children from Homes at the Child Guidance Clinic was the failure to provide the kind of history and description of the child's behaviour which was essential to the understanding and treatment of his difficulty.

128. In residential nurseries careful records were kept as a general practice with particulars about feeding and height and weight charts. This record almost always lapsed when the child became five years of age.

#### Boarding Out

129. As in the case of children's Homes, Public Assistance boarding out was in county areas usually supervised by the Guardians Committees, under the general authority of the Public Assistance Committee, while "fit person" work was undertaken by the Education Authority. In County Boroughs supervision was usually undertaken by the committee concerned or by one committee of the council acting for another or by a joint committee. We found

that in many areas each of the committees of the county or county borough councils was undertaking boarding out without co-ordination with any other committee. This separation of the boarding out services of the different departments of the local authorities provided an interesting example of the persistence of traditional methods in the face of the changing attitude of the public towards social services. It became very clear to us in the course of conversations with officials, that few local authorities had attempted to reconsider as a whole their functions and methods with regard to the children in their care, and that while before the war, the normal local government machinery had served to provide the necessary services, since the war it had become more and more inadequate to meet either the extent of the problem or the new standards of child care required. Most of the authorities seemed to be aware of failure to deal with the problem; some were concerned about it; even the most complacent had been given a jolt by recent publicity. In a number of areas there were plans for better co-ordination and for the improvement of procedure, but we could not help noticing that our visits were welcomed by some departments of local authorities as a means of discovering and commenting upon the practice of other departments. The authorities which had worked out some common programme for the care of children were few, and, even then, there was little provision for any effective personal co-operation.

130. There were two main ways in which boarding out under the three main committees of Public Health, Public Assistance and Education had been more closely co-ordinated. One of these consisted of passing over the responsibility for boarding out from one department to another. The other method was simply the sharing of a common staff, while each department retained its own responsibility. Instances of the first were the passing over of boarding out by the Public Assistance Committee to the Public Health or Education Committee or both; or the passing over of the comparatively new boarding out duties of the Education Committee to the old machinery of the Public Assistance Committee. An example of the method of sharing visitors between the three committees was found in a rural county. Welfare officers were appointed jointly and acted for all three committees through a joint committee, combining the visits of the Health and Child Protection Visitors to children under 9 and the visits of the local members of the Guardians Committees in the case of children in the care of the Public Assistance Committee. This arrangement was favoured by the Education department but accepted with reluctance by the Public Assistance department. In a neighbouring county a similar plan was followed but the joint visitors in each case reported to separate committees and followed different regulations. In another area boarding out was undertaken by a joint committee drawn from members of the Education Committee and the Maternity and Child Welfare Committee. The Superintendent of the Homes who was also Master of the Workhouse was appointed by the Public Assistance Committee, and the boarding out visitors by the Education Committee. In a County Borough there had been since 1930 an arrangement under which Public Assistance children under three were passed to the Maternity and Child Welfare Committee and over three to the Education Committee. The Education Committee dealt with these children and with others committed to it as "fit person" through a Children's Care Sub-Committee to which members were co-opted who were not necessarily members of the Public Assistance Committee. The sub-committee managed children's Homes as well as boarding out. In a County area the converse applied and the Public Assistance Committee administered for itself and the Education Committee the whole of the boarding out arrangements through a Public Assistance Sub-Committee for Homes and boarding out.

131. There was no doubt that the boarding out services as a whole in county or county borough areas suffered from the splitting up of the children into groups which came, often arbitrarily, under different provisions of the law. One of the great difficulties in the way of co-ordination was, we found, a traditional inter-departmental antagonism which was sometimes thinly veiled by changes in organisation. Thus in an area where certain functions of the Public Assistance Committee had been taken over by the Education Committee, the medical officer of the Public Assistance department, who remained responsible for the health of the children, described the Education department as "a soulless body" compared with the old poor law administration. An Education department was inclined to belittle a Public Assistance department which in turn considered that the Education department showed an increasing tendency to "poach" the functions of the Public Assistance Committee. In another area in which the three committees shared the services of welfare workers the Public Assistance Officer urged the special assignment of one of the welfare workers to the Public Assistance department because of the antagonism of the Public Assistance Committee to the new arrangement. These old jealousies are partly due to the fact that in many areas the same officials continue to be responsible for new services and partly to the difficult conditions governing expenditure and employment which during the seventeen years since the passing of the Local Government Act, 1929, has discouraged re-organisation. We came across an example of departmentalism in its worst form while visiting an Institution for Mental Defectives to which, we were told, a visitor had been sent from an Education Authority to a Midland town ("after the Gough case") to see one boy. There were at the time sixteen boys there in the care of the Public Assistance department of the same authority but the visitor was not interested in seeing them.

132. Whatever the administrative scheme it was comparatively rare to find the responsible committee co-opting suitable additional members from within or without the council. In one case we were told that co-option did not appeal to members as it might involve limited power with no responsibility for co-opted members. It seemed to us unfortunate that qualified people with leisure to take an interest in children's work should not be asked to help in a Children's Sub-Committee. Our experience of the present procedure shows (1) that it is difficult for the ordinary councillor to spare sufficient time to serve on such a sub-Committee; (2) that mothers bringing up families find it difficult to give the time which a seat on the council involves but might be willing to act as co-opted members of a single committee; (3) that the members of committees elected in the usual way tend to average at least 60 years of age and co-option would provide the opportunity for bringing in younger people. We found an example of a committee, not regarded as helpful, of which the average age of members was 70.

133. An interesting feature of the present boarding out arrangements is the transfer of children from one local authority area to another, and it was clear that this transfer presented special problems. There is the added complication at the present time that some evacuated children who cannot return to their own homes remain in foster homes in the reception area. A usual reason for the transfer is the need to place at a distance from their homes children who have been taken from parents unfit to have charge of them. Other reasons are the desirability of rural surroundings and the fact that foster homes are more easily found in some areas than others.

134. There was a great variety of practice with regard to the transfer of responsibility for investigation and supervision. Sometimes the whole responsibility was transferred to the "receiving" authorities, the "sending"

authority only requiring routine reports. Sometimes the sending authority retained responsibility and might not even notify the receiving authority that they were seeking homes and placing children. A compromise was often reached in other areas where the receiving authority accepted supervision but where check visits were made from time to time by the sending authority. We found great difference of opinion between departments of the same area about the best arrangement. In some areas where responsibility was transferred, the transfer was arranged by the clerks of the respective councils and the visitor undertaking supervision did not always know which department of the sending authority was responsible for the child. We were given one example of a group of children who had been transferred from one county to another and were supervised by the Public Assistance Committee of the receiving area because it was thought that the children came from the Public Assistance department of the sending authority. A Ministry of Health Inspector visited all the foster homes. It was later found that these children were the responsibility of the Education department as "fit person." We were told of the concern of some officials about the placing of children in their area by other authorities, without consultation about the standard of the home selected, and we were given instances of the use of homes by sending authorities which had previously been rejected for local use.

135. Similarly the methods of investigation, supervision, payment, medical arrangements and qualifications of supervisors varied, not only as between area and area, but as between departments of the same local authority. Thus we often came across instances where the Education department and the Public Assistance department in the same area were paying to foster parents in the same village different rates of maintenance, pocket money and clothing; where one department was employing trained visitors and the other used its office staff; where requirements as to investigation of the foster home, the frequency of visits and the medical care varied not only because of the differences in the regulations laid down by different Government departments but because of the custom of the committee concerned. The failure in co-operation between committees of the same area is perhaps best illustrated by the unfortunate results which may occur where one possesses information which is not available to the other; as for instance had occurred in one area where a child, who had been on the tuberculosis register of the Public Health department, was later placed by the Education Committee in a foster home which was considered unsuitable by the medical officer of health.

Details of the actual methods of boarding out which we found in the areas visited will be found in paragraphs 347-381.

### CHILDREN IN WORKHOUSES

136. Under this heading are grouped all institutions ("workhouses") managed by Public Assistance departments of local authorities, in which children are cared for as part of the responsibility of those who are also responsible for the care of destitute adults. Although in most of these establishments the children are living in part of a building used for adults, some are included in which separate, though generally closely connected, accommodation is provided, the senior staff of the institution having the final responsibility for the administration of the children's unit. The separate buildings are usually Receiving Homes or Nurseries.

137. We visited 32 public assistance institutions of this type in the areas of different local authorities. The visits were not selected altogether at random. We chose for the most part those which were on the official lists as undertaking the care of infant children; in other instances we made inquiries when



in the area whether there were children in the institution at the time. Some of us called at institutions not brought to our attention in other ways in order to find out whether there were older children in them. When we had reason to suspect from local reports that the care given was not satisfactory we made a special point of visiting so that it is possible that more instances of unsatisfactory care have been seen and less instances where the care was satisfactory. It should also be borne in mind that single visits to Public Assistance institutions, where the population often varies from week to week, do not always present a true picture of prevailing conditions.

138. The healthy children over the age of 3 to be found in workhouses should, under the present law, be limited to those received there temporarily or as an emergency measure (see Section 1, paragraph 23). We found however many older children who had been there for longer than the permitted six weeks. Conferences with local authorities threw some light upon the difficulties in different areas. In some badly bombed areas, for example, temporary provision which was regarded by the authorities themselves as unsatisfactory had had to be made. It was clear that in some areas the workhouse served as a dumping ground for children who could not readily be disposed of elsewhere, and that in some districts where children's Homes provided insufficient accommodation, or boarding out had not been well developed, older children, for whom there had never been any properly planned accommodation, were looked after in the workhouse for a considerable length of time. In some instances this caused embarrassment to an already over-worked and unsuitable staff, in buildings where segregation was a physical impossibility. Shortage of staff may affect more seriously children in establishments which are not designed for them. Even where some attempt had been made to segregate children from adult inmates of questionable habits there were some institutions in which, because of shortage of staff, children were being minded by aged inmates and by cleaners, or were simply placed in a ward with senile old men or women to be looked after by the nurse on duty. In many other institutions although the physical care was fairly adequate, the staff, the buildings, and the equipment were such that it was impossible to provide an environment in which children could thrive, and it could certainly not be said that these children were being compensated for the lack of normal home care.

139. Many of the institutions served not only for "reception" (i.e. cleansing and emergency care), and for hospital treatment for children over the age of 3, but also provided for healthy children received under "place of safety" orders, as defective, or simply on the order of the relieving officer as destitute. They were sometimes admitted as children in need of care or protection, pending their appearance in Court, or awaiting placement after their committal to the care of the local authority as a "fit person"; some of them were awaiting boarding out or placement in a children's Home, or they had been brought back from either place for a change of plan when for some reason the arrangement made for them had broken down.

140. An example of this kind of motley collection was found in one century-old Poor Law institution providing accommodation for 170 adults, including ordinary workhouse accommodation, an infirmary for senile old people and a few men and women certified as either mentally defective or mentally disordered. In this institution there were twenty-seven children, aged six months to fifteen years. Twelve infants up to the age of eighteen months were the children of women in the institution, about half of them still being nursed by their mothers. In the same room in which these children were being cared for was a Mongol idiot, aged four, of gross appearance,

for whom there was apparently no accommodation elsewhere. A family of five normal children, aged about six to fifteen, who had been admitted on a relieving officer's order, had been in the institution for ten weeks. This family, including a boy of ten and a girl of fifteen, were sleeping in the same room as a three year old hydrocephalic idiot, of very unsightly type, whose bed was screened off in the corner. The fifteen year old girl had been employed in the day-time dusting the women's infirmary ward. These children had been admitted in the middle of the night when their mother had left them under a hedge after eviction from their house. No plan appeared to have been made for them. Another family of three children, aged eight to twelve, were sleeping with the toddlers in the "nursery" part of the building. They had been brought into the institution on a "place of safety" order. We were told in the education and public assistance offices that their case was shortly to be considered with a view to further action, but they had already been in the workhouse for four months. We were told in another county that in some of the institutions of this area there was nowhere to put the older children to sleep except in the adult wards. Children had occasionally been sent back to the homes in which they had been neglected because it was thought better for them than the conditions under which they would have had to be cared for in the workhouse.

#### Accommodation

141. In few of these institutions have any structural alterations been made to the buildings for the purpose of giving suitable care to children of "toddler" age or over. For the most part the children are housed in large gaunt looking buildings with dark stairways and corridors, high windows and unadapted baths and lavatories. The best had been made of these forbidding buildings in a few of the institutions we visited, where admirable efforts had been made with use of paint and pictures to brighten the rooms in which the children slept, and played. In others the traditional chocolate and buff paint remained, with bare boards and draughts, and a continual smell of mass cooking, soft soap and disinfectant.

142. In some cases the segregation of children according to age or health can only be achieved by using rooms on the same corridors as the infirmary wards for senile patients; by separating the dormitory and dayroom of the children in such a way that young children have to go up and down long corridors and stairways used also by the adults; by placing in the same dormitory children who are healthy and those who are suffering from skin diseases of a contagious kind; or even by putting children to sleep in the adult wards. We found a number of institutions in which normal children were sleeping with low grade mentally defective children, and in one institution where there was an excellent Nursery for children under 3, a baby, brought in as in need of care or protection, had been placed in its perambulator in the old women's ward so that the nursery should not be overcrowded. The contrast between the well cared for nursery children and the neglected, ill-cared for baby was very great.

143. In one workhouse the Matron had made a valiant attempt to gather the children together in the most difficult circumstances. She had to use the institution kitchen as a dining room for the toddlers. We saw them just after the tables had been cleared at dinner time. Most of them had folded their arms on the table and were asleep, with their heads on their hands, while their feet swung aimlessly from a too high wooden bench. The kitchen fire provided warmth and comfort; compared with the cheerless and bare day room they were better off in the warm kitchen. They had large chipped enamel mugs to drink from, such as were familiar at one time in casual wards; we were

told that casual wards are now supplied with crockery. At this institution the "mother" in charge of the children was a harassed looking woman doing her best in difficult circumstances. The Master and Matron were young keen people suffering from a sense of frustration. The Matron complained about the seeming inertia of Public Assistance Committee members. It was noted that the chairman of the Public Assistance Committee was 91 and the Vice Chairman over 80. The impression was left that they were maintaining standards of 50 years ago.

144. One Nursery which was structurally linked to the Public Assistance institution had sunk to the lowest level of child care which has come under our notice. There were 32 children on the register, eight of whom were sick children. These were being nursed in a small ward adjacent to the infirmary adult sick ward. They were in charge of assistant nurses who were at the same time nursing the sick adults in the main ward, in which were aged and chronic sick (one patient had advanced cancer of the face), a mentally defective child, and a child with chicken pox. In the children's ward was an eight year old mentally defective girl, who sat most of the day on a chair commode, because, the nurses said, "she was happy that way." She could not use her arms or legs. There were two babies with rickets clothed in cotton frocks, cotton vests and dilapidated napkins, no more than discoloured cotton rags. The smell in this room was dreadful. A premature baby lay in an opposite ward alone. This ward was very large and cold. The healthy children were housed in the ground floor corrugated hutment which had been once the old union casual ward. The day room was large and bare and empty of all toys. The children fed, played and used their pots in this room. They ate from cracked enamel plates, using the same mug for milk and soup. They slept in another corrugated hutment in old broken black iron cots some of which had their sides tied up with cord. The mattresses were fouled and stained. On inquiry there did not appear to be any available stocks of clothes to draw on and it was said by one of the assistant nurses that "everything was at the laundry and did not come back." The children wore ankle length calico or flannelette frocks and petticoats and had no knickers. Their clothes were not clean. Most of them had lost their shoes; those who possessed shoes had either taken them off to play with or were wearing them tied to their feet with dirty string. Their faces were clean; their bodies in some cases were unwashed and stained.\*

145. This Nursery was an exception. We saw some which were remarkably good. One Nursery also linked structurally with the workhouse was supervised by the Master and Matron of the workhouse, but clearly they thought separately of nursery and institution and they did not confuse the two. The standards were high, the staff adequate in number to care for the children and of adequate training. The Ministry of Health had given permission for children to remain in this nursery up to the age of four years. The relationship between the Master and Matron and children approached very nearly to normal home life. The Master made toys for them, played with them and joked with them. He assured us that his Committee supported him in all his suggestions as to improvements and were ready to spend money on progressive schemes.

146. On the whole the standard of care of the older children in workhouses was much below the nursery standard. The provision for play and occupation for the older children, who in theory were there temporarily, was for the most part appallingly bad. There were a few pleasant exceptions to the general dearth of good play material for young children, but hardly any

\* The attention of the local authority was drawn immediately to the state of these children, and they have now been removed to a separate nursery.

to the absence of any form of provision for recreation for boys and girls of school age. There seemed no understanding in these institutions of the recreational needs of children, and it was no one's responsibility to see that they were happily occupied. For the staff the older children were an extra burden. They were often concerned about them and did their best to make them feel "at home," but this is done as an act of personal kindness by individual members of the staff rather than as an important staff responsibility. A play pen for the toddlers, a pile of soft toys given by members of the district committee, a few picture books and comic papers seemed to be the limits of provision indoors, in all but a very few of the workhouses.

147. Recreation outside evidently presents another real problem for the staff. Few institutions are provided with gardens in which the children can play. For the most part they are either confined to small asphalt yards in which they can be safely separated from the adults, or, if they are given the run of the place, as they sometimes are because there is no member of the staff to look after them, there is apprehension that they may come to no good by associating with the older inmates. In one institution the matron said she could do nothing with the older children to prevent them from wandering all round the premises, and that she had reported to the Public Assistance Officer that they might be associating with defective adults. Children were seen to be with adults in the yards of some institutions. This might, of course, be quite unobjectionable but has serious dangers in the mixed population of a workhouse.

148. The following extract from a visiting group's report relates to the institution mentioned in paragraph 140:

"The infirmary wards used for children are on the second floor of the institution, at one end of which is a ward for senile men, at the other a ward for senile women. Two rooms are used for children on this corridor, one for twelve infants, and one for a family of five 'healthy' children of scattered ages, and one defective child, aged two. There is only one bathroom on this corridor which has apparently to be used for all purposes. The only playroom is downstairs, and is a gloomy room with high windows. The family of five children have their meals in a small kitchen not meant to be used for children at all. . . . The nursery at the other end of the building has had extra low windows added, and was light and airy with a pleasant garden outlook."

The following report relates to another establishment:

"The premises constitute an old fashioned workhouse which has not been modernised in any way. The children are grouped as follows: babies under one year, of whom there appear to be about fifty; toddlers, aged one to two (fourteen); school children aged five to fifteen (thirteen). The accommodation is typical of the ordinary workhouse wards. They are adequate in size, but generally unsuitable for children. The wards are quite clean and well decorated. Most of the children were playing in the grounds which consist of an ordinary asphalt yard without any grass. . . . The accommodation must cause considerable difficulty. There is a day-room, for instance, for the children of school age, which is on the first floor of one block, and the children have to go downstairs and out through the yard to the first floor of another block to go to bed. In winter they would probably not use the day-room at all. There were thirteen boys and girls of school age in this day-room when it was visited. It is an ordinary institution ward with very little equipment."



The following is an example of a Receiving Home with adequate accommodation: Capacity 18. Present 12 boys and girls aged 3-14.

" This Receiving Home is a converted nurses' home attached to a Public Assistance institution, and is in the charge of the Master and Matron of the institution. The house is well separated from the main institution, though it has a common entrance. It does not overlook the institution, but faces open country. There is only a small asphalt yard in front of the Home.

" This small two storey house seems quite suitable for its purpose, except that the playing space is rather limited. There is a small day-room used also as a dining room, but at the time of the visit the children were having their Sunday dinner under a tent awning in the front playground. There is a doctor's room on the ground floor for medical examinations. The children sleep in homely little rooms, mainly single, but one or two containing two beds in which children of the same family can sleep together. The children have individual lockers. The beds are covered with bright red blankets. On the second floor there are two lavatories and two bathrooms. The staff of the reception home is quite separate from the staff of the institution, apart from the Matron, and night and day duty staff come in from outside. The place looks beautifully clean and tidy."

#### Defective Children

149. In a number of the institutions visited, defective children were associating with normal children. In one institution which was being used entirely for defectives and epileptics there were a number of children, some of whom were regarded as educable defectives, and others as suffering from mental disturbance or behaviour difficulty rather than mental defect. It is clear that defective and epileptic children and, occasionally, children suffering from mental illness, constitute a serious problem in the children's wards of institutions. The staff are not qualified to deal with them, they are a disturbance in the care of normal children and the adult wards to which they are sometimes moved are equally unsuitable for them. Shortage of accommodation in the mental deficiency institutions and in the residential special schools is generally given as the main reason for their retention in institutions, but there appears also to be considerable delay in some areas in carrying out the necessary procedure for the children to be transferred. Administrative delay was brought specially to our attention by the Medical Officer in charge of one of the institutions mentioned above. The following cases, which were selected from a number, were given to us in writing in June, 1945, by him:

" Girl. Aged 8, date of admission 5th February, 1943. An idiot. She was notified to the Mental Deficiency authority in 1942 as a child who should be removed to a colony for Mental Defectives. The Mental Deficiency department wrote to the Education department for the statutory ' exclusion certificate ' which they require before they could proceed with the case. This they have so far been unable to obtain. I wrote at the beginning of June to the Education department pointing out these facts. So far I have had no acknowledgement of my letter. This child has been losing any training she would have received at a Colony."

" Girl. Aged 8. Date of admission 1st June, 1943. She is an imbecile with epilepsy. This is a most difficult case, who climbed the walls, bit the picture rail with her teeth, pulled the bed to pieces, threw radiator cover about, destroyed every toy she was given, walked about naked. She had been a patient here before the age of five, when she was notified as a Mental Defective to the Mental Deficiency authorities. Certification was almost complete when the mother moved her out of our care. On re-admission

she was again notified to the Mental Deficiency authorities, who immediately asked for an ' exclusion certificate ' before they could proceed with certification. Repeated applications were made to the Special Schools department on 2nd March, 1944, 23rd November, 1944, 30th January, 1945, 12th February, 1945, without result. Four weeks ago I approached the Education authority and by using mild threats obtained an ' exclusion certificate.' The Mental Deficiency department proceeded with the certification, and she was removed yesterday (21st June, 1945) to the Colony for Mental Defectives."

The psychiatrist of a Child Guidance Clinic complained of the unsuitable care given in an institution to an unstable defective boy of 12 over a period of six months, whilst he was awaiting admission to an Institution for Mental Defectives. He had been found unsuitable for a day special school, on account of his violent behaviour. Application had been made for his admission to a residential special school, but in view of his behaviour he was not admitted. In the meantime he was said to be associating with old men in the institution.

150. Possibly of more serious import is the presence of defective and sometimes uncontrollable children with those who are normal, of which the following is an illustration:

" There is accommodation for 23 cots together with three beds for nursing mothers. Twenty-two of the cots were occupied. There were four children between the ages of five and eight. One was a girl, a blind epileptic in bed, she was quite helpless, and had been there for about three years in the same ward as the normal children. There was a boy aged eight in a cot who was obviously a low-grade mental defective. He hardly ever kept his clothes on, but kept tearing them off. He was in the same ward as the normal children with a screen round him, but he could be seen behind the screen. He had been there since April, 1943, and was now kept in bed all the time. He was there because apparently accommodation for him could not be found anywhere else. There was also an epileptic child of four, who was said to be totally incontinent and helpless. He was permanently bed-ridden."

#### Staff

151. It was clear in the course of our visits that the unsuitability of the staff and its inadequacy in numbers was even more serious in its effect on the children than the type of building. In very few institutions did the number and qualifications of the staff seem to be even fairly adequate. In most there was staff shortage; in a few instances this was so acute as to lead to neglect of ordinary standards of child care. This state of affairs should not necessarily be attributed to the slackness of the local authority. In many instances repeated applications have been made to the Ministry of Labour for additional staff. In some instances, however, the authority has not appreciated the necessity for an adequate and suitable staff. In the majority of the institutions only the matron who was in charge of the adults as well as of the children had had any training, and in a few others none of the staff appeared to have had any training at all. It is obvious that while the master and matron of a large institution can give general supervision to the care of the children they cannot safeguard the day to day handling, which is to a large extent in the hands of totally unqualified members of the staff. In several cases the staff had been forced to use the help of adult inmates of the institutions.

#### Physical Care of the Children

152. Enough has already been said under the headings of " accommodation " and " staff " to indicate that the physical care of children is sometimes neglected, even although those looking after them have the best intentions.

It is not possible to give the right kind of care to children who cannot be isolated from those with contagious skin diseases, or to children who must sleep in adult wards and share the same bathing facilities as adults who may be unhealthy. We saw, for example, children who looked both unhealthy and uncared for:

*Eighteen children, aged 1 to 14 in a Receiving Home used in connection with an institution though not part of it.*

"All the children were in the same room together, the young babies and the older children. Eight of the children had been in the (Receiving) Home for six weeks, and some of them for three months. Two boys had been there for seven months. The delay in their transfer to an ordinary Home is said to be due to the fact that when they were admitted they were suffering from impetigo of long standing, but this has only recently been cleared up."

#### Occupation and Education

153. Even in those institutions where adequate physical care was given to the children there was little homeliness or provision for recreation. There were one or two workhouses where fairly good care on common sense lines was given to infants and toddlers, but we did not see any institution where provision for occupation for children over the age of five could be regarded as satisfactory. At the best they were "amused" from time to time by kindly members of the staff, but they had no proper recreation facilities either indoors or outside, and some of them were almost completely confined in the institutions for months at a time. We found that in a large proportion of institutions which we visited normal children of school age did not attend school. One reason given was the short time they were expected to stay and the danger of carrying infection.

*For example: Eighteen children, thirteen of over five.*

"The children never go out to school, even though some of them may be here for months at a time. The children have no outside contacts, they merely play by themselves in the gloomy dayroom, or in the yard. They are not taken for walks owing to shortage of staff. There is no opportunity for playing with other children. . . . The children in the Receiving Home have no pocket money until they are fourteen years of age. . . . If they had pocket money there would be no opportunity of spending it. . . . The children did not have any toys at all."

*Ten children, aged two to eight. Children here received for treatment, and also on account of destitution because of the overcrowding of the children's Home.*

"There seemed nowhere for these children to play. The woman in charge said that she had taken them out to play in a playground outside that (Sunday) afternoon. When we arrived on Sunday evening one boy was wandering round a yard in which old men from the workhouse were sitting. The children do not go out to school from here, though the woman in charge said that there was no reason why they should not go to school. There is no indoor playroom and there are no toys, though some of the boys had been given comics to look at in bed. . . . Apart from the lack of suitable occupation the handling seemed friendly."

154. From these visits and from the information which we obtained from officials and social workers we formed the conclusion that in the majority of Public Assistance institutions the general care of children was of poor standard. We saw a few very good examples, all of which were Nurseries, and a few very bad. By very bad examples we do not mean to suggest that we found

evidence of harshness for which the staff was responsible. Except in the one instance of the nursery unit described in paragraph 144 the ill-usage was of a negative rather than a positive kind and elsewhere sprang directly from unsuitability of buildings, lack of training and of appreciation of children's needs. Officials of local authorities suggested that the children suffered from the attitude of the public to children maintained under the poor law. This attitude had affected some members of the Public Assistance Committees, some of whom had survived as Committee members from the days of the old Boards of Guardians and still held old-fashioned views about what was suitable for a destitute child. In the few cases in which the care was very good the Master and Matron were enlightened people who were aware of the difficulties, and had the ingenuity to surmount them and the enterprise to use their assistant staff to the best advantage of the children in their care.

155. The worst feature was often the complete failure to provide any kind of individual interest or notice. In most cases the children had been brought into the workhouse as an emergency arrangement and were therefore in a neglected or unhappy or bewildered state. Often in the institution they were left to the casual kindness of aged inmates or to the indifferent attention of busy staff to whom they were nothing but an additional burden. Babies remained in their cots day in and day out, gazing at the ceiling, and toddlers played on the floor, often unchanged and unkempt, with any bits and pieces which they could find. The older children were turned out to play in asphalt yards surrounded by high walls, and were unprovided with schooling or occupation. And they often remained in such conditions for months.

156. We have no alternative but to paint this very gloomy picture of the conditions in which children are at present received and maintained by many authorities in adult institutions; but it would be unfair to the more enlightened authorities if we did not mention that there are some exceptions. We visited a few areas where we did not find a single healthy normal child in a workhouse ward and where adequate Receiving Homes were provided in separate blocks for children needing cleansing or observation.

#### PUBLIC ASSISTANCE CHILDREN'S HOMES, PUBLIC ASSISTANCE NURSERIES, PUBLIC HEALTH NURSERIES

157. Under this heading we have grouped Children's Homes run by or on behalf of Public Assistance Committees specially for children, which were not part of, or combined with, the building or the administration of an institution for adults. They represent therefore, under present practice, the normal method (as opposed to retention in workhouses which is the irregular method not countenanced by regulation) of caring for the children in the charge of Public Assistance authorities and not boarded out. Those "Scattered" Homes which were run under the general over-sight of the Master and Matron of the institution have been included in this group. We visited 112 Local Authority Homes and 20 Nurseries. The children may have come under care for a variety of reasons—destitution, lack of parental care and affection leading to abandonment, lack of control, cruel treatment—any one of these or even the temporary absence of a mother in hospital, may lead to a child being placed permanently or temporarily under the care of the local authority.

158. The Homes fall into four groups. Large institutions or "Barrack" buildings, Single Homes (smaller in size but larger than a family group), Grouped Cottage Homes and Scattered Homes. Besides these, there are Nurseries for children under five.

#### Large Institutions: Barrack Type

159. A large number of Homes of this sort were built during the last century and as they were built to last, many authorities which are anxious to develop the care of children on more modern lines have found them on their hands. Administratively they constitute a dead loss to the ratepayers unless they can be used or converted. In some cases there has been a tendency to continue to use them for this reason. These Homes usually house large groups of children (50 up to 200 or more) who all share the same living quarters and sleep in large dormitories.

#### Single Homes

160. Single Homes, housing a number of children up to fifty or so have been built or bought by a number of authorities.

#### Grouped Cottage Homes

161. This type of Home represents an effort to break up the children into groups, varying at present in size from 8 to 20 and exceptionally numbering as many as 50, so that in the care of a house mother in each cottage the children can enjoy something in the nature of home life and the sort of individual attention which a child receives from its parents. Few authorities have made the cottage groups into anything which resembles an actual family group. In most Cottage Homes the cottages for boys and girls were separate and the age groups were also segregated. Babies usually did not come into the Homes but were kept in a separate nursery. If babies were taken in the Cottage Homes they lived in a separate cottage, as did the toddlers also. In some Homes there were mixed cottages for children up to the age of 8 or 9 when the boys left for a boys' group. It was unusual to find Homes like one we visited where the Matron thought a complete mixing of ages and sexes quite natural and a good preparation for life. The individual cottages were often so large as to resemble villa Homes of the single type. In some Homes the food was cooked, and served, centrally; in others the cottage mother did her own cooking.

162. In one or two areas in which the Cottage Homes had been built as a result of the movement away from the barrack institutions of the last century the majority of the children aged from two or three to fourteen or over were cared for in the Homes. It was noticeable however that there was a tendency to increase the size of the units in this kind of Home. For reasons such as the difficulty of boarding out or shortage of staff, the cottage units were larger than many authorities regarded as desirable and were rapidly losing the character of small households and becoming small institutions while at the same time the buildings became over-crowded. A group of thirty children in a cottage, of ages varying from two to fourteen, becomes a very different problem of management and education from a planned group of fifteen or sixteen children. This size of cottage was characteristic of a number of Cottage Homes which were visited.

#### Scattered Homes

163. This term is used to describe small houses, each perhaps one of a row in a street, in the charge of foster mothers employed by the local authority. They house eight to twelve children of either sex or both sexes

and may hold more. The children are often of mixed ages and the arrangement does provide something more closely approximating to the family household than more institutional forms of care. Where the plan of Scattered Homes had been adopted the nature of the accommodation was such that the number of children could not be increased. The tendency seemed to be to keep the children in the Public Assistance institutions rather than to enlarge or overcrowd the Homes.

164. In some areas we found arrangements which combined Cottage Homes and Single Homes and one county had developed Barrack, Cottage and Single Homes as well as war time Nurseries for children under five.

#### Nurseries

165. It is the common practice to separate the infants under 2 or 3 from the toddlers and older children in separate nurseries; sometimes these nurseries were single Homes, sometimes one cottage in a group. The nurseries we saw were of two types:

1. The residential nursery originally brought into existence by Public Assistance authorities which continued to supervise the running of the nursery in conjunction with the Medical Officer of Health, or which have delegated the running of the Residential Nursery to the Maternity and Child Welfare department. The children in these nurseries were admitted because they were either destitute, or had no female relative to look after them.
2. The residential nursery brought into existence by the Maternity and Child Welfare committees at the request of the Ministry of Labour and National Service, to make provision for children whose mothers had undertaken war work which entailed night shifts. These nurseries have grown up around industrial areas to surprising proportions. Many of the children's mothers were unmarried mothers who had to earn their living in order to support themselves and their children.

#### Receiving Homes

166. Some authorities provided Receiving Homes independent of work-houses to which children could be taken when first admitted, for examination, observation and cleansing. Such Homes are often one cottage in a group of Cottage Homes or occasionally a Single Home in which the children are looked after by a special staff.

#### Accommodation

167. We saw very few examples of modern buildings in use as children's Homes. Where building had taken place just before the war it was clear that local authorities had taken a more generous view of the amenities which should be provided, than had prevailed in earlier times. Cottage Homes usually dated from the beginning of the century and although they were clearly an advance upon the buildings at that time in use by Poor Law authorities they could not in every case be considered to be in line with present standards of child care. Most of the cottages in Cottage Homes were unhomely in appearance and set out in grounds which were often formal and forbidding, with large main gates of institutional type, asphalt drive ways and a lack of opportunity for variety and privacy in the gardens. In one group of Cottage Homes we saw what was really a small village, consisting of 21 houses built in 1901, with 14 children in each cottage, boys or girls. There was no lobby



of any kind; the door opened into the scullery kitchen where food was prepared, and the small dining room, which also served as a living and playroom, opened out of this. The cottages were situated on top of a hill, and we were told that in winter they were very uncomfortable. The layout of this group of Cottage Homes is typical.

The following is an example of more recent history:

"This authority built inter-communicating Cottage Homes shortly before the War. They are admirable buildings, pleasant to look at, standing among other houses of the same size but with plenty of open ground behind where the children have a swing and a shed for play. There is a good dining room and living room but no separate playroom. The capacity of each cottage is 12, but at present there are 16 boys in each house."

168. The Single Homes were often converted private dwellings. Whilst some were obviously old and inconvenient they were sometimes more homely in appearance than Homes which had been specially designed for the purpose and their gardens offered more scope for play and exploration. We saw one recently acquired large private dwelling house which was being converted for use as a Boys' home for 40 boys. The situation was magnificent, overlooking a moor. The house was excellently furnished and, apart from the fact that its position was extremely isolated and that its design was on rather extravagant lines, it represented a far higher standard of child care than had yet been established in that particular county area.

169. Old houses occasionally had fallen into a serious state of disrepair. It was obvious in some cases that the disrepair was largely accounted for by the war, but even so there did not seem to be adequate excuse for the state of some of the houses which we saw, particularly when we found that others in the same part of the country had been kept in reasonably good condition.

For example: *A Home with capacity listed as 43. Children in residence 75, aged 5-15.*

"We were not at all favourably impressed with this Home. There was evidently considerable over-crowding, and the staff appeared to be badly over-worked. The whole place was very shabby. The gate was falling to pieces, many chairs had broken backs, and two walls in the girls' bedrooms were damp. In one upstairs bedroom a corner wall was so badly cracked that the light showed through and another wall had a bad transverse crack and showed signs of dampness. The lavatories were dark and badly ventilated, and plug pulls were broken . . . in several rooms the plaster was falling off the walls."

The difficulty of accommodation in the large home is shown by the following comment from a visiting group's report.

*Large Home, 62 boys and girls. Ages 5-16.*

"This building was gaunt and barrack-like, with far too few living rooms and rooms for play in the boys' quarters. The dining room and playrooms were unattractive and there was nothing cheerful or homely about the place. When we went into the boys' playroom we found a room full of boys from the age of five upwards who crowded round us urging us to look at any small possessions they had. The lack of separate room space made proper facilities for games and recreation impossible."

### Size of Building and Number of Children

170. We had a considerable amount of evidence of shortage of accommodation or of accommodation not fully available. In several Grouped Homes, cottages had been closed owing to the difficulty of providing the necessary labour. We found one instance of a good room in a Scattered Home held vacant for this reason when healthy children in the same county were being most unsuitably housed in workhouses. Thus a Home or group of Homes listed as over-crowded might be so listed because children had been assembled in a limited number of cottages and rooms in order to save labour. In a few cases we regarded the over-crowding as serious in its effect on the children's health and welfare. In the Cottage Homes of one county borough the buildings had been planned to accommodate 345 children; the population at the time of our visit was 385. Members of the staff of the Homes stated that they regarded the accommodation as suitable only for 256 children. Cottages which had originally been intended for about 16 children were being used for 25-30. A number of children were sleeping two in a bed, and until recently there had been as many as 70 sleeping under these conditions. In this establishment three cottages had been closed because of shortage of staff. The difficulties had been accentuated by the closing of the Receiving Home at the outbreak of war so that cleansing had also to be carried out in over-crowded conditions. The individual cottages held children between the ages of 2 and 14 on whose health and recreation over-crowding must have had a serious effect. It was impossible to separate new admissions, so that a child newly admitted in a very dirty condition associated after bathing with the other children in seriously over-crowded sleeping and playrooms. The Medical Superintendent told us that this arrangement had frequently caused the spread of infection and had actually led to far more sickness amongst the children.

171. In a Single Home built in 1909 there were two separate houses in the same grounds; one for boys and one for girls. According to figures supplied by the Ministry of Health the accommodation was listed for 50 children. We were told by the Superintendent that the pre-war accommodation was considered to be 65, a number which had been increased to 87 and which it was proposed to increase still further to 101 by taking in a building formerly used as a laundry. At the time of our visit there were 76 children. The only day rooms in each house were a dining room and a kitchen. The boys' dining room could not accommodate all the boys for meals and some had their meals in the kitchen. There was not chair space between the beds in the dormitories. In another Single Home with accommodation for 18 boys there were 24 present at the time of our visit. They had only one small sitting room for meals, reading and play. The dormitories were tightly packed and there was no room for any provision in the way of lockers or other receptacles for the boys' own possessions, though they were said to be on order. Outside was a small asphalt yard.

172. The following is a description of a building with some good features:

*A Single Home, used particularly for delicate children. Capacity 24, boys and girls, aged 3-15.*

"This Public Assistance children's Home, a pleasant two-storey stone building in a row of similar houses directly facing the sea, was opened for children who need special attention to their health and who will benefit from open-air life. It is a private house specially adapted for the purpose, and is said by the Public Assistance officer to be the best equipped of its type in the area. Health needs are not only interpreted from a physical standpoint, and a child suffering from bad experience at home might be

sent here. . . . The accommodation seems convenient, attractive and healthy. There is a good sized dining room with small tables and parquet flooring used for play as well as for meals. The walls are bright with pictures and book cases well stocked with suitable books. Flowers are attractively arranged on the tables and these laid with well chosen china. There is a particularly good outside playroom converted from an outhouse. This is large enough for a swing, for some good large toys, dolls' houses, rocking horses, barrows and trucks, and for the storing of tricycles and bicycles, which the older children use. This room is unheated. The sleeping rooms, containing beds varying in number from three to six, are light and airy, and well spaced, and between each bed is a specially designed small chair and cupboard."

173. We had evidence that in some Homes the poor accommodation provided for the staff was partly responsible for the serious shortage of personnel. On the whole, we were impressed with the undemanding attitude of the staff, who seemed often to be working under conditions which precluded privacy in leisure hours, let alone comfort. It has already been mentioned that in a large Cottage Home members of the staff had no sitting room of their own. In another single Home we were told that the Master and Matron could not get an assistant partly because the accommodation was so poor. The room available was very small, the walls showed bad signs of damp, and the furniture was scanty, cheap and shabby.

174. The shortage of staff was general throughout all the Homes we visited. On the whole, the nurseries were, we found, more fully staffed than other Homes, and we were told that this was because they were often training centres also. We were frequently told that local authorities had tried to secure improvement in the staffing of their Homes but so far from being able to recruit trained or experienced workers they were often unable to recruit anyone at all. The poor accommodation and conditions provided for staff must in many Homes have made it difficult to retain staff even when found. It was obvious too that shortage of staff must lead to an excessive demand on the children's labour as well as to overwork of the staff themselves.

175. So far as shortage of numbers permitted, an attempt was generally made to provide reasonable relief for the staff. In one relatively well-staffed group of Cottage Homes we found an excellent system of reliefs which gave the house mothers one long week-end in four (Friday to Tuesday). This was all set out on a chart by means of coloured discs showing just when and where the relief was due and had the double advantage of letting the foster mother know in advance not only when her week-end was due, but that it was actually arranged for. The system included the provision of two or three "floating" relief staff to provide for emergencies.

#### Qualifications of Staff

176. With very few exceptions the only kind of specialised training for the care of children possessed by any members of staff was that of State Registered Nurse or Nursery Nurse. A few of the Masters and Matrons held the certificate of the Poor Law Examinations Board for Institution Officers. Even in respect of nursing the qualifications of the staff could only be regarded as adequate in a very few of those Homes of which we had particulars. All these were Nurseries. We found one example of a Matron in charge of a scattered home who had been trained by a voluntary organisation. One Matron of a toddlers' Home had taken a course of lectures and found them a great help.

177. We regard the whole of our report on these Homes as to some extent illustrative of the effects of the employment of staff without adequate qualifications, though much allowance has to be made for poor conditions of work

and lack of assistance. We were often impressed with the way in which, under the most exacting circumstances, men and women with little leisure or privacy continued to take an individual interest in the children, and to maintain good standards of physical care. The Masters and Matrons who controlled and managed Homes (apart from "workhouses") had in some instances progressive views, but often their ambition was higher than their capacity and their schemes too difficult to work without a trained staff. Sometimes lack of training was compensated by special personal suitability. It was evident that some men and women of good quality had taken to this work because of their concern for the children, and that they had sacrificed themselves in doing so, or that they had found their way into the work as national service and discovered a bent for it. There was, for example, a young Matron managing, with one assistant, a large Scattered Home for eighteen boys, of which a man would ordinarily have been in charge. She seemed to be on unusually good terms with a group of quite difficult boys, who evidently enjoyed her companionship. This Matron had been "directed" into this work by the Ministry of Labour at the age of about thirty, having been previously employed as a children's nurse in private families, and although she was disturbed by the behaviour of some of the more difficult lads, she seemed to use good common-sense methods and to enjoy her work. A Scattered Home for twenty-one girls in another area was run by a Scotswoman of about forty-five—a pleasant, motherly, practical person, unpretentious and sincere. She had had some training as a Salvation Army worker, and had found this useful in helping her to understand the kind of lives the children had lived at home. She was particularly resourceful in arranging all sorts of outside activities for the children, and in converting makeshift premises into a welcoming home.

178. Against these reports must be set a large number of Homes in which it was only too clear that the staff possessed neither personal nor educational qualifications for the care of children. For example:

*Single Home. Forty boys and girls. Twelve babies, aged nine months to three years. Twenty-eight boys aged three to seven. Girls up to fourteen.*

"A Matron—not a trained nurse—is in charge of the whole house. The nursery staff consists of a head nursery nurse (uncertificated formerly with a voluntary organisation). . . . The children in the nursery were dirty and ill-clad."

*Single "Reception" Home. Twenty-seven boys and girls. Master and Matron, married couple, in charge.*

"The Master and Matron have been in Poor Law work for many years. They have spent most of their lives in the care of elderly men and women at the institution. The Master was probably at least 65; the Matron considerably younger. Neither has had any training. The Matron seemed kindly, anxious to do her best for the children, but acknowledged her own ignorance of the special needs of difficult children and was puzzled how to deal with them."

179. It is worth noting that the best of the untrained staff, who can often manage a Home fairly well for children who present no special difficulties, are often at a loss to know how to deal with children who present special problems and may fail to do justice to the more normal children for this reason. Again, those who can manage reasonably well on common-sense lines children of school age may fail lamentably with little children and may lack resourcefulness in catering for the more varied needs of

adolescent boys and girls who often call for more individual understanding and guidance. It is evident that routine methods are sometimes resorted to because the staff have neither the time nor the ability to treat the children as individuals. Some would welcome more expert guidance: others fear that training will suppress rather than develop common-sense and that expert guidance is likely to be impractical. There were very few occasions on which we felt that the staff had been in any sense selected for the particular duties assigned to them. An exception was discovered in some Cottage Homes run as a Reception Centre by one authority which were supervised by a joint committee of Public Assistance and Public Health. Here there was recognition of the need for the special handling of children. The cottages, with the exception of two, were staffed by State Registered Nurses. Three foster mothers were specially used if Matron thought that some child needed extra mothering and she made a point in talking to us of her careful selection of staff.

### Physical Care

180. As far as we could judge, most of the children seemed to be well fed and were generally well cared for physically. With a few exceptions the clothing was of good quality, individual and varied, and, making allowance for war-time difficulties, in good repair. In the difficult staffing conditions which have been described, the standard of cleanliness of the children and of their clothes and bedding had been fairly well maintained. On the side of comfort, however, there was a good deal to be desired. We consider that in some cases there was too long an interval between the children's rising and their breakfast.

181. It is doubtful whether the more positive aspects of health are given as much attention as one might hope for in the care of children. Many of the children must have suffered from conditions which at the best were likely to be unfavourable to health and growth. With the exception of one area, where special provision was made for children whose physical or mental health seemed to have suffered from the conditions in which they had been living, we came across very little individual attention to the building up of health, though this must be necessary in most areas.

### Medical Care

182. It appears to be an almost universal practice for children to be given a medical examination on entry, but this is sometimes not carried out until the children have been in the Home for some days. Subsequently medical attention may be provided by a medical officer of the local authority or by a local general practitioner who may make regular calls as often as once a week, or may only be called in at the discretion of the house mother. It is not unusual to find monthly routine examinations arranged for in addition to the school medical examinations, and treatment seems more usually to be carried out in the Infirmary than in the School Medical Clinics. We have no way of judging whether the arrangement with the local doctor was more or less satisfactory than the medical supervision by the authority's own officer. We had evidence that at the present time the pressure of work on the local doctor might make it difficult for him to pay regular visits to these children. It was, however, the exception to find that house mothers felt that they had inadequate medical advice. They may send the child for treatment to the local authority Hospital if necessary. In one or two areas it was noticed that there were a number of cases of children whose eyes or teeth needed attention.

183. Almost all the children of school age had the advantage of the ordinary school medical services. We found, however, that in several areas the Public Assistance Committee did not rely upon the school services for attention to the children's teeth and eyes, but had arranged for a private dentist to make routine examinations, and to carry out treatment in his consulting room or in the sick bay of the Home.

184. We noted that provision for the isolation of children who were received direct from bad homes without cleansing or were taken ill and who might be suffering from infectious conditions was not by any means always available, even in the larger Homes. This was sometimes due to over-crowded conditions, as sick rooms had had to be given up to sleeping accommodation for normal children, or for staff. In the Home just mentioned to which children were specially sent on account of their health, the sick-room had been converted into use for the staff, and a child suffering from whooping cough was being kept during the day in one of the bedrooms. In another Home for twenty-four children, the sick-room was used as a store room, and two children, a boy and a girl, were being nursed for mumps in the ordinary bedrooms apparently shared with other children. The explanation was that as they were of different sexes (aged about ten) the rules did not allow them to share the same sickroom.

185. It was exceptional to find a trained nurse available even in the large Single Homes and we found an instance of grouped Cottage Homes housing as many as 200 children, including thirty children under five, in which no fully trained nurse was available. Occasionally this lack of trained staff was found even in Homes which include children as young as nine months.

### Admission and Reception

186. Children may come to the Homes from residential nurseries, receiving homes, workhouses, hospitals, or direct from their homes. It seemed to us that too little thought and care was exercised in the case of the last group. In few Homes did we find any awareness of the state of misery, bewilderment and fear of the newly admitted little child. Too often his first contact with the Home was with the office staff who noted essential particulars and asked only questions of a formal kind. Then his own clothes were taken off and often carelessly tossed aside (although he may have known that he was dressed in his best for the occasion), he was given a bath, dressed in new clothes and pushed in with a group of children. Whatever comfort and happiness may have come to him later, the child's first introduction to the Home was often formal, cold and hurried, just at the moment when leisured kindness, warmth and affection were his main need. Some of us have a depressing recollection of seeing two small girls who had entered the Home some half-an-hour or more before sitting sadly side by side with their hats and coats still unremoved. No one was taking any notice of them. They looked the very picture of desolation yet so far one comfort remained to them—they were together. In too many Homes they would not be together long.

### Diet

187. The few meals that we saw seemed substantial and appetising although too frequently served in chipped enamel plates and mugs. There seemed to be a general realisation of the need for fresh vegetables and for milk and eggs as available. A good deal of trouble was often taken to make it possible for the Homes to use their own produce or that of the local institution.

188. There was one difficulty regarding meals which caused us some concern. Some of the children lived at a distance from the school and no arrangement had been made for them to have their mid-day meal at school. This



meant that their main meal was eaten hurriedly, particularly when, as was sometimes the case, the Home was dependent upon the children for help in clearing the tables when they had finished their dinner. For example:—

"The girls get up about 6.30 a.m. and help with bed-making before breakfast which is about 7.30 a.m. They help to wash up before going to school. They walk about a mile to school. They get home for dinner about 12.30, help to wash up after dinner and leave for school again about 1.40. It seemed to us that the children do too much domestic work during the dinner period."

In some other Homes the foster mothers recognised that the dinner period was "rather a scramble" but they preferred to have the children at home for the mid-day meal, so they said, "because then you can see what they get."

#### Clothing

189. We were impressed by the trouble taken in many areas by the local authority and by individual matrons to provide the children with sensible and attractive individual clothing. The day of dreary uniforms or drab frocks signifying the Poor Law child has definitely gone. Pride was taken in the individual clothing of the children and care was taken to provide for a wide range of patterns and colours which would suit the particular children wearing them. Much of the girls' clothing was made in the Homes and repaired there. In many Homes we were shown good stocks of clothes, print frocks of all colours and patterns from toddlers' sizes to those for older girls, different coloured jerseys for the boys, good thick winter coats, panama hats, good stocks of shoes and school uniform of gym slips and blouses. Though the boys can, in fact, be recognised by the type of mass produced clothing they wear in most cases it was clear that the children's clothing compared well with that of other children in the school. Only very occasionally did we make unfavourable comments on the quality and condition of the clothing. Dirty clothes or untidy and unattractive clothes were observed in very few Homes; old fashioned twill night-dresses and underwear were sometimes seen. Dirty clothes, as might be expected, were generally seen in Homes which were under-staffed and poorly managed. For example:

*Home for 22 boys, aged five to fourteen. Accommodation 25. Usually full.*

"The bathing and sanitary arrangements were adequate but the towels in the bathroom were extremely dirty. Their shirts were filthy."

*Forty-four boys and girls in three houses, aged three to four. Accommodation 46.*

"All the houses seemed to be rather dirty. There was a general absence of comfort and cheerfulness. The bathing arrangements were poor, the face flannels were dirty . . . The children's clothing is poor, and the clothes were dirty."

*Home for 38 boys, aged five to sixteen. Normal accommodation for 28.*

"The face flannels in the bathroom were dirty. The clothing was very poor. Although the boys were not too clean, they seemed quite healthy—but I was not satisfied that there is proper physical or mental care of the children."

#### Domestic Work carried out by the Children

190. At the present time many of the Homes are dependent upon the domestic work of the children. We did not come across much definite evidence of serious drudgery in the case of young children, such as we felt would

have a damaging effect upon their health and well being. Nevertheless, the prevalence of large areas of highly polished floor and staircase even in Cottage Homes suggested that to maintain such a standard a considerable contribution must have been made by the children. Very few Homes had the used look of houses which are cleaned once a day and then left until the following day, and the unnatural cleanliness and polish of many Homes at all times of the day made us suspect that the children must constantly be employed in polishing. In a number of instances we thought that hours of play were limited by this requirement, and that in order to provide for clearing away and washing up, insufficient time was given to meals and leisure after meals.

For example:

*Home for forty-four boys and girls in three houses aged five to fifteen.*

"The big boys and girls get up at 7 o'clock. They have to light the fires and do a considerable amount of housework. They go to bed at 8 o'clock. They have to wash up at dinner time. There is a wash house attached to the girls' cottage and the older girls including some of those still going to school do the washing. . . . The Acting Master said that he thought it very good training for the girls in housework."

We seldom, if ever, came across Homes in which the more interesting parts of domestic work was given to the boys and girls. They seldom seemed to be made responsible for cooking anything or planning a menu or, in small Homes, for shopping for the Home or planning their own clothes.

191. The housework undertaken by boys and girls who have left school may be regarded as training or as employment. We were left in no doubt that a number of girls were kept on after they had reached school leaving age for the ostensible purpose of training for domestic service when, in fact, they were simply undertaking the routine work of the house. Little, if any, attention was paid to their training, nor would it have been possible to give it with the shortage of staff already described. This matter links up closely with the whole question of choice of employment and the provision of vocational training which is discussed below. It should be stated here that we found a number of examples of girls of fourteen and fifteen who seemed to be spending long hours in general housework and in minding younger children without adequate payment or fixed spare time and with little attention to training. For example:

*"Scattered Home." 12 boys and girls.*

"There is one fourteen-year-old girl here at present, and the House Mother says, 'She just does everything.' This is regarded as training. She helps in the kitchen, with the housework, with the needlework, and fetches the younger children from school. It is doubtful whether she has any time off except when the children are in bed."

*"Scattered Home." 20 boys and girls.*

"Girls who have left school seem to be kept at work of some kind or another all day until the children get to bed. Some of the duties are light—such as playing with the children out of doors. They have about an hour to themselves after supper, which they spend with the staff."

#### Nursery School Education

192. It was clear that in some cases the children under school age presented a serious problem for the depleted staff, which the staff themselves recognised. These children suffered specially from the lack of suitable play material and playing space, which for them provides both recreation and education; their needs make in some respects greater demands upon personal skill, so that the

lack of qualification of the staff is felt more keenly. In one large establishment of Grouped Cottage Homes, strong representations were made to us by the Master and Matron that a trained Nursery School Teacher should be provided for their twenty-seven children aged between three and five, who were at the present time in charge of a completely untrained member of the staff. We came across several Homes catering for children under five, in which a Nursery School, managed by the Education Authority, staffed with qualified teachers was part of the establishment. Where the Nursery Schools existed they were sometimes excellent and sometimes very poor. Generally speaking, the Nursery School children were liberally supplied with toys. There was much less evidence of messy play material and of facilities for use of sand, water, plasticine and paper. One Nursery School in an otherwise well arranged Grouped Cottage Home was a picture of unhappiness. The children looked poorly and uncared for, the nose of one was bleeding and she was crying with fright, a second was crying with misery and was blue with cold. She had been admitted only two days before and had for a short time been locked into some room and forgotten. She had not been given a coat and no special interest was being taken in her. She looked lost, lonely and wretched. Another Nursery School which we saw in a similar group of Homes, presented a striking contrast. Here the children were busily and happily engaged with trays of play material and were learning to look after themselves and younger companions.

#### Primary and Secondary School Education

193. In most of the Homes the children were attending the Primary Schools of the Local Education Authority; in a very few the Home had its own school within the curtilage. In many places it was the practice to split up the children so that no one contingent was big enough to overload any school. In one Home the children were going to a number of different schools, not more than 24 to any one school. We gained the impression that many of the children in the Homes were educationally retarded. This may, of course, have been due to their unfortunate history rather than to the conditions of their lives, but it was surprising to find in some Homes that few of the children could tell the time, and that many of them did not know the date of their birthdays. The contact between the Home and the school was often unsatisfactory. There seemed to be a lack of co-operation. Some of us were concerned to notice a certain prejudice against "Home" children in the schools. It was difficult to tell whether the fact that the majority of Homes had sent no children to Secondary or Technical Schools for a number of years was due to the poor quality of intelligence of children in the Homes or to the fact that their interest in school work or in future opportunities was not sufficiently encouraged; or to any other disadvantages which attached to their living in a Public Assistance Home. About this our evidence came entirely from local government officials and from those who were in charge of the Homes. We were constantly told that the children in the Homes had the same opportunity for continued education as other children attending the same schools: but when we asked for particulars of the number of children who had, in fact, taken up scholarships and continued their education, the number we were given was very small and they were mostly boys. In marked contrast was one large urban authority, most of whose older children were attending secondary or technical or special craft schools, many of them travelling long distances to attend a particular school. It should be borne in mind that children attending Secondary schools are usually boarded out, either because of the distance of the Home from the school or because it is considered a better plan in the interests of the child. It should also be remembered that in some areas where boarding out is freely used for children of all ages, the more intelligent and adaptable children have been boarded out so that those in the Homes represent the less able children. Even including the

boarded out children, however, it was extraordinary that so few children were found to be attending schools of the secondary Grammar school standard or going on to higher education. These facts are further confirmed by the large number of Homes from which children are sent to unskilled employment. We reached the somewhat striking conclusion that for some reason or other very few children in Public Assistance Homes appear to have benefited from education after the age of fourteen. If our limited study can be taken as a sample of the Public Assistance Homes as a whole, and if it is not entirely due to the children's unusually poor ability, this conclusion reflects in a serious way a failure to compensate the child deprived of a normal home life; not only because they are not getting the opportunities open to normal children, but because the lack of individual attention and of special teaching and stimulus in the infant and toddler stages may have directly contributed to their failure to reach the necessary standard.

#### Vocational Training

194. Mention has already been made of the general practice of keeping on a certain number of girls and occasionally boys in the Homes to "train" for domestic service. In one or two Homes a genuine attempt seemed to be made to treat this period of a girl's residence as a preparation for the work she would undertake, but for the most part her training appeared to be a secondary consideration. Apart from this type of "training" very few of the Homes cater for vocational work, although in a few of the larger Cottage Homes, some of the boys worked under the supervision of the staff in the bakery, the garden, and the carpenter's shop and occasionally took up the type of employment of which they had gained experience in this way.

#### Leisure Facilities

195. We found that many of the Homes were not providing any separate recreation room for the children, or facilities for the carrying on of individual indoor hobbies or quiet interests. In some Homes we found the only play-room was really a romping room for children from 5 to 14, sometimes also the kitchen. We could not often observe for ourselves the result of these cramped conditions on the children's recreation; but it was not difficult to see that the lack of space must in itself have had a serious effect upon their welfare. The effect of the lack of staff, and the failure to provide members of the staff with knowledge of the needs of children of different ages must be even more serious, and was often painfully evident in the lack of homeliness and comfort in the rooms in which the children spent their leisure hours, and in the even more striking absence in many of the Homes of suitable material for play and for individual interests. This seemed to be true for all ages of children. We found only a few Homes in which we regarded the opportunities for play and for hobbies as fairly good. In others we noted some good features in play material, libraries and toys, but even in these the standard was such that any person experienced in play groups or club leadership would wish to add extensively to equipment of all kinds, and to rearrange rooms so that groups of children of different ages, or individuals, could carry on their activities in a happy and valuable way. There were some Homes where there was no wireless, no gramophone, very few books, and, it seemed, only a small collection of old and dilapidated toys. Some children had never had a newspaper. In some Homes we were told that the toys given to the children would only be destroyed. Many of the Homes were lamentably lacking in opportunities for the children to cherish such personal possessions as came their way. Time and again we found that the toys belonging to the whole group—generally a tawdry and uninteresting collection—were kept in a untidy pile in a cupboard or chest, or even in a heap on the floor, and that no individual lockers were provided. There were of course some pleasant exceptions.

196. The space for out-door play was often good but we found some Homes in which even outdoor life in the grounds was cramped and lacking in opportunities for exploring, climbing or round games; or for hobbies such as gardening, the keeping of pets or play with simple materials, which children given freedom will generally find for themselves and use with absorbed interest. It is true that a certain number of children were given considerable opportunities for play and social life further afield—opportunities which will be discussed later but this freedom was generally limited to boys and girls in the older age-groups and to special occasions. Much time was spent by the children in the Home grounds, particularly during the school holidays. The cottages often had inadequate playing space nearby although the Home was surrounded by fields. It was not an unfamiliar sight to see Cottage Home children playing in a small asphalt space walled in amongst the coal and coke. That the dearth of good opportunities for play was not due to the war only, was shown by the better provision which was found at a few Homes. That it was sometimes due to lack of knowledge or time on the part of the staff was shown by the fact that Homes which were good and bad in this respect were found to belong to the same authorities which would have made similar provisions in each case if approached with the same request.

197. The following examples are given of Homes of fairly good standard.

*Single Home. Thirty-five boys and girls.*

"There are good playing fields. Rabbits, ducks and fowls are kept and are said to be of great interest to the children. There is a good library and the children also use the local Public Library."

*Single Home. Twenty-seven boys.*

"There is a playroom fairly adequate in size, with a ping-pong table, quoits and a small collection of books. There is a small cinema screen for the Master's own films and slides and he seems to share his hobby of photography with the boys. But there are few personal possessions and nowhere at present to keep them though lockers are planned. The playroom and dining room are decorated with model aeroplanes (not home-made)."

One outstandingly good Home for 70 children had, we thought, the right atmosphere. The Master and Matron said that members of the Public Assistance Committee visited weekly and were very keen that the children should have what they needed to make them happy including provision for hobbies and other interests. An example of high standard Cottage Homes managed by an Education Committee was noted. Special features were as follows: a first-class Domestic Science School, swimming bath, gymnasium and handicraft room. The homely atmosphere in a Scattered Home was also noted. The children possessed treasures of their own which they kept about the house, in chests-of-drawers or chosen places. They went to the pictures and enjoyed a considerable amount of freedom. They brought in their friends to tea, and rushed in and out to see their foster mother like children in their own homes.

198. Numerous examples could be given of Homes in which these simple provisions were lacking. Even where, by dint of the good organisation of those in charge, special efforts had been made to improve the opportunities for play, these opportunities were sometimes not used to the full because of ignorance of the needs of children.

*Scattered Home. Twelve boys and girls.*

"There is a small dining room which is of a cottage parlour type, and is heated by a coal fire. This room is generally used as a playroom because the actual playroom is said to be very cold and dark. The playroom is

perhaps adequate for six or seven children, but is little more than a bare space and lacking in any sort of attractiveness for children. It contains a few toys of the 'push' and 'pull' variety. The back garden at the end of a small tiled yard is walled and has recently been grassed down. In one corner is a covered sandpit in which the children were busily playing. This has only lately been arranged personally by the Public Assistance Officer."

*Single Home for short stay. Old Poor Law Institution. Twenty-seven boys and girls.*

"The dark dining room, with windows too high for the children to look out, is the only playroom. On Sunday morning at 11 a.m. on a sunny summer day, all the children were in a small asphalt yard with nothing whatever to play with. First seen they were looting about by empty dustbins, a few sitting on broken chairs, others running aimlessly round. There was a general atmosphere of boredom and bickering. I was told that they sometimes went into the front garden, but they were evidently in the yard because supervision could be given to them from the kitchen. The only toys seen were a small model aeroplane (a personal possession proudly shown by one boy), one or two small broken wooden toys, a ball or two, and a few picture books. These were kept in a cupboard in the dining room. The matron said that the children sometimes helped her in the garden. They had no gardens of their own."

At one Home there was a good garden but the children were not allowed to play in it without special permission. We seldom found any signs of pets except in Scattered Homes which almost always possessed a cat.

#### Outside Contacts

199. It was interesting to find that in quite a number of instances the Homes which provided the best recreational facilities of their own were also those which made most use of the activities of the children in the neighbourhood. The general view that it is a serious handicap to children to be too much isolated from the community to which they will eventually return seems to have been accepted by the staffs of many Homes though this belief was more evident in plans for recreation than in the general freedom allowed to children to come and go. There were comparatively few Homes from which the children were able to make friends with local children and visit their families or entertain them at the Home. At one large urban Grouped Cottage Home we were told that visits by the Home children to other children were deprecated because the Home children picked up bad manners. The Homes from which the older boys and girls were allowed to go off by themselves to villages or towns to explore, shop and visit the cinema were few. The visitor was often told that the spending money of the children had so little value that there was nothing for them to buy.

200. The following extracts, however, illustrate some of the ways in which the more enterprising Homes had given their children opportunities to share, in a natural way, in the life of the community.

*Grouped Cottage Homes. 221 boys and girls.*

"Girl Guides share in many outside functions. Boys are members of the church choir. Older boys are members of an outside club. The children are encouraged to make outside contacts, and they can go out on their own after asking the permission of the Superintendent, who tells them to tell their foster mother. They can go out to tea with school friends, and can also bring their own friends in to tea. Senior Schools outside share the



playing fields of the Home. Matches are played both away and at home. Excursions and picnics are arranged. Members of the Rotary Club take a personal interest in individual children, and invite them to their homes."

*Single Home. 29 boys.*

"Boys belong to the Scouts and Cubs and mix with other boys outside. The boys over the age of ten, and even some of those of nine, are allowed to go out into the town by themselves and they do shopping for the foster-parents, go on the bus, and so on. They evidently have considerable freedom. They go to school on their own. They recently went to the zoo with their Sunday school. Scouts and Cubs go to camp, but otherwise no holiday is provided."

*Scattered Home. 21 boys and girls.*

"There seems to be real care taken to provide good outside activities for the children, bringing them into touch with the local community. Matron says that there is only one evening a week when all the children are at home. They belong to the Guides and Brownies in Church of England and Roman Catholic Groups, and Methodists go to the Junior Guild. There is a Choral League in connection with the Guides which the girls attend. The children occasionally invite their own school friends in, and are occasionally invited out. Expeditions are made to the local town for shopping. Matron is reviving birthday parties, and tries to see that each child gets a parcel or card from the staff if not from their own relatives."

201. In contrast to these reports unnecessary limitations would seem to be placed on the outside activities of the children in the following Homes:

*Scattered Home. 24 boys and girls.*

"There seemed an unnecessary lack of ordinary relationships with the people in the village. The children never go to other children's homes, or have other children in to visit them. They go in groups to local entertainments. They have few visits."

*Single Home. 30 boys and girls. Two houses.*

"There are no special arrangements in regard to leisure activities, but the children go to the local baths from the age of twelve upwards. There are practically no outside contacts except those entailed by attendance at Sunday school and day school. One of the foster mothers said that the children do some shopping for her, but she does not allow them to take money."

**Contact with Relatives**

202. It was unusual for children to have any regular contact with relatives by visits. Most of the children received no letters at all. On the whole the staff's attitude to this was one of sympathy but acceptance of its inevitability. It seemed generally to be assumed that the children had been deserted and that in most cases the parents had proved themselves unworthy of guardianship. The possibility that some children might have relatives, who with encouragement might take an interest in them, seemed an idea which had never been really considered, at any rate by members of the staff. From the comments that were made to us it seemed that relatives who did continue to take an interest in the children, and whose visits were approved by the local authority, were received with reasonable hospitality, and that recognised monthly visiting days were not restricted too rigidly. There seemed to be no objection on the part of local authorities to holidays with relatives if the homes were found to be suitable. Such holidays are sometimes arranged, but apparently for only a very small proportion of the children.

203. Comments were more often made to us by the administrative officers about the difficulties that arose when undesirable parents became interested in children as soon as they reached wage earning age, than about the deprivation suffered by the children from the lack of family contacts. This danger may unduly influence their attitude from a genuine motive of protecting the child's interests.

204. Many of the staff seem to recognise the children's delight in receiving letters although they are also aware of the danger that letters might "unsettle" the children; we found few exceptions to the practice of opening all the children's letters before passing them on. Usually the outgoing letters were looked at. In one Home, three-quarters of the children had letters sometimes from relatives and friends and the staff took pains to write to those children who had no letters for birthdays and Christmas. It seems usual to encourage the children to write letters and to provide them with stamps when necessary.

**Holidays**

205. In peace-time, holidays arranged by the Home seem to have been fairly frequent though not by any means universal. These arrangements had been abandoned in most of the Homes during the war but we found several Homes in which camping holidays had been arranged during the summer of 1945, sometimes in the face of considerable difficulty. For instance in two single Homes for boys the master and matron had managed to arrange a camping holiday for 24 and 21 boys respectively in spite of the fact that they had no assistants. At one girls' Home 26 girls were being taken to a seaside house for a holiday. Summer camping holidays lasting from a fortnight to a month were more usual for Grouped Cottage or Single Homes than for Scattered Homes. For small Homes the more usual plan was to arrange for day excursions to the seaside, visits to a zoo or to the cinema. We found one instance of separate boys' and girls' Scattered Homes joining up for an expedition. In several Homes where boys who were Scouts and Cubs normally went camping with outside troops, no special holiday had been arranged for the other children.

**Pocket Money**

206. We did not find any Homes containing children of school age in which pocket money was not given. It seems the general practice for Committees to decide the rate of pocket money in accordance with age. In some cases the scale did not seem to have been revised for some time; in others there had been recent revision or the need for revision was recognised as overdue. There was a wide disparity in the rates. The weekly allowances quoted to us varied from a penny for children under seven to a maximum of sixpence for children under five. For older children allowances varied from a minimum of fourpence for children under ten to a maximum of two shillings for children over eleven. In one case the highest amount at fourteen was threepence. It was, as already noted, a common saying that there was little which the children could buy with the money. The general practice in buying wholesale at least a proportion of the sweet ration, prevented the kind of spending which was probably the most usual for outside children before the war. It was evident that the lowest of the scales would make satisfactory spending impossible for the little child and would hinder the development of any capacity to save. In some Homes a practice had arisen of encouraging the children to put some of their pocket money in a general pool for treats. This left the children with nothing to spend at their own choice or for presents.

## Methods of Up-bringing

207. We find this the most difficult part of our observations to estimate and summarise. There are three main strands of evidence which together have to be taken into account in judging whether the Home is providing the children with conditions in which they thrive, mentally and physically, in which sensible and lasting social habits are formed, and in which children develop, in accordance with their age, an awareness of the opportunities and responsibilities of ordinary life in the community. The evidence which we could use was:

- (1) Our observation of the children, and discussion, sometimes with groups, and occasionally with individuals with or without the presence of the staff.
- (2) The attitude of the members of the staff shown in the account they gave of their own methods and views, and in their relations with the children in so far as we could observe them.
- (3) The general conditions of the children's lives as they were described or seen—for example the personal attention which is possible with the amount of staff available; the space, comfort and attractiveness of the room in which the children slept, played and had their meals.

Apart from certain broad judgments as to the general well-being of the children it is not in our view possible in visits of this type to estimate the skill of individual handling or to be sure that children are not misunderstood or even harshly treated. This would involve more prolonged visits, and the use of other sources of evidence. Subject to this we think that the physical care of children reached a much more satisfactory standard than the development of the child's whole personality, though the two cannot of course be separated. The worst Homes were often bad from both stand-points. As we have already seen, good social habits cannot easily be acquired in crowded, ill-equipped and poorly repaired rooms nor can the child develop the capacity to care for himself in such conditions as are described in paragraphs 169 or 198. Conditions as bad as these were unusual. We were more concerned about the opportunities for children to develop their own interests, to look after themselves and their possessions, and to learn co-operation and general social adaptability through experience.

208. Discussion with a few older girls showed that they had very little idea of the cost of the clothes they wore. Still less did they realise the difficulties of the ordinary person in providing the coupons and money for replacements when clothes wore out or were damaged. To them, both clothes and food appeared with unfailing regularity, and the problem of ways and means never came their way. With some exceptions the children were without personal possessions, or, if they had them, they had no encouragement to look after them, or to respect the possessions of other children. Few children were allowed to collect their own pictures and photographs and have them in their bedrooms as children in ordinary households do, particularly children who are separated from their families, if they are left to their own devices. It is obviously inconvenient from the stand-point of routine management and cleaning to have bedrooms and dormitories made untidy by the sort of knick-knacks dear to the hearts of children, and it is possible that the overburdening of the staff has a bearing on their willingness to allow this kind of individual freedom. Nevertheless we felt that the often stark-looking dormitories and bedrooms must seem completely lacking in comfort and individuality to children. Here are two contrasting examples.

*Single Home. Short stay. Twenty-seven boys and girls. Temporarily used as a Children's Home.*

"The entrance hall is dark and of a typical Poor Law Institution character. There is dilapidated furniture in the entrance and long dark stone flagged corridors. The dining room has high windows well above even adult eye-level, and is dark and cheerless. The long narrow dormitories containing rows of iron bedsteads and cots were formal and ugly. There is no place for individual possessions."

*Scattered Home. Twenty-one boys and girls.*

"There is a small playroom containing a large locker for toys, a table and several dolls' houses. This is a pleasant room: it looks homely for young children. The dining room has small tables attractively arranged and decorated with flowers. A number of book-shelves were well filled. The bedrooms each contained eight to ten beds with white coverlets. A specially designed locker shelf used in all the Public Assistance Homes in this county, stands by each bed. The whole place is beautifully kept and is a pleasure to visit. The entrance hall immediately gives the impression that the Home is occupied by children, with rocking horses and dolls' houses in evidence."

209. We noticed specially in almost every Home, either a distressing dearth of pictures or, what was worse, a collection of ugly, uninteresting pictures which appeared to have been thrown out as valueless from other houses. Even in Homes in which the pictures were good (one Master had arranged for an excellent selection of good pictures to be supplied) they were often hung too high to be seen by the children lest they should pull them down and hurt themselves. We very seldom saw bright pictures at eye level of attractive subjects such as would appeal to children. One Scattered Home which possessed two large copies of a not unattractive picture of the Good Shepherd had both as decoration in the same small room.

210. It was the exception rather than the rule to find children in the Homes who were not either unduly hungry for attention from visitors, or more constrained in their relation with adults than is usual for children of their age. We do not mean to imply by this, that the children were seriously neglected, or treated with deliberate personal harshness or rigidity. Our impression was rather that the lack of understanding of children's needs led with the best intentions to a dreary uninteresting life in many of the Homes, and that this showed itself in a lack of liveliness and vigour in the children. The Homes seemed to be rather silent places except when active group games were being played. Children who were not helping in the house often gave the impression of spending their time in an aimless way, and even the little children were less busily and happily occupied than in a family where they were being well cared for, in a Nursery School, or even in street play. It is difficult to give any exact evidence of this, but the difference in the attitude of the children was so marked in those Homes where we felt that the staff had an unusually good understanding of the children and an easy personal relationship with them that it seemed likely that the lack of spontaneity, which we found in some of the children, was closely connected with the attitude of the adults towards them and the general lack of satisfaction in their daily lives. Even when the children were observed at play under fairly free conditions—on the sands from a sea-side Home, or in the garden—there seemed to be a lack of variety and resourcefulness in their play compared with that of other children of similar age.

211. A few illustrations can be given of our impressions of the children, but it must be realised that these are somewhat haphazard, dependent upon the day



of the week and the time or day on which we happened to visit. We were not satisfied with the general liveliness and happiness of the children in these Homes:

*Single Home. Twenty-seven boys and girls.*

"The house was very clean but somewhat comfortless, and the children somewhat suppressed, shy and unnatural in speaking to strangers. There seemed very limited opportunities for outside contacts. As far as one could gather from general observation the children were reasonably well cared for, though a bit slow and dull. The main defect of this place is that for the children it contains, life has to develop more from the circumference to the centre than by any growth of the children's own powers operating from the centre outwards."

*Single Home. Twenty-four boys and girls.*

"Although these children had the freedom of the garden they were not playing with the resourcefulness characteristic of their ages. This may partly have been due to lack of material, partly to lack of individual interest. They gathered immediately round the visitor, showing the intense desire for individual attention characteristic of children with some 'emotional hunger'. Most of the children seemed immature for their ages. There did not seem much warmth between the Matron and the children, but there was no constraint or fear. They are probably reasonably happy, but undeveloped."

On the other hand there were Homes in which we got a very different impression, and these were sometimes under the same local authority, a fact which pointed to the much greater importance of the personality of the staff than of any system by which the services were run. For example:

"In these Cottage Homes the foster mothers were young and obviously both interested in their work. At the time of our visit most of the boys were washing and getting ready for tea—stripped to the waist—full of life and good spirits. There was going to be fish for tea. (There are 16 in each house, which we thought too many. The accommodation is meant for twelve.) One or two boys were playing parlour games and two were out of doors playing with the swings at the back of the house. The boys have nice lockers in which they keep a variety of odds and ends of their own. They go out to Scouts and also to tea with friends and they can ask their friends to tea with them. They take a keen interest in football and the Social Welfare Officer had promised to do his best to get a corner on the stand at the local football ground for the older boys on the following Saturday for the Cup Tie Match. The House was seething with excitement at the thought of it."

*Scattered Home. Accommodation 14.*

"There is a very happy relationship in this Home between the foster mother and her 14 boys. She has been in the work for a number of years and obviously understands boys and how to get on with them. At the time of my visit some were playing halma with her and others were drawing with crayons or reading. The boys go out to the local Church Scouts and are also often allowed to go out by themselves by bus or to such amusements as the neighbouring fair."

**Nurseries**

212. It was a common practice to separate the infants from the toddlers and older children in separate nurseries. Where the infants' nurseries were nearby, it was very rare for older children to have any contact with the babies or for the babies and toddlers to associate with the next stage in age. The babies consequently suffered a certain loss of stimulus and interest and in some cases they

actually appeared to be retarded. Where there was more mixing of ages the toddlers appeared better developed and they talked more. We came across a notable exception at a set of Cottage Homes in which the children had great freedom. They played in extensive grounds and were able to make friends with the babies who were accommodated in a separate nursery adjacent to the cottages. The children looked very healthy and wore individual and brightly coloured clothes.

213. On the whole the nursery units of whatever kind were better run than other types of Home. We saw some excellent Single Home nurseries set in large grounds and very pleasantly decorated. In only one or two cases did we see nurseries of mediocre standard where the children, though not dirty, smelt unpleasant and were not so carefully looked after as others. There were far more toys in the nurseries than in the other Homes and much greater efforts had been made to provide brightness and lightness in decoration. Even in this there was considerable difference in enterprise. In some cases the nurseries had bright curtains, mats and coverlets; in others everything was drab. In some the black iron cots had been enamelled white or pastel colours; in others they remained black. Not many of the nurseries had perambulators and there was little evidence that the babies often got an airing outside the grounds. Progressive authorities provided sandpits, paddling pools and perambulators but these were infrequent. The residential nurseries which were also training centres seemed more lively and happy. The young trainees (very much the ages of the older girls in Homes) played with the children and taught them to speak.

**Methods of Discipline**

214. We did not find that discussion with the staff of actual methods of discipline, rules and regulations was very illuminating, except in throwing light upon their general attitude towards the children. Punishments and rewards carry meaning for the child largely in terms of his feeling for the person who administers them, and must therefore be considered in terms of personal relationship as well as of method. Moreover, descriptions of punishments given in general terms are notoriously unreliable, often when there is no attempt to mislead. In some areas the form of punishment is regulated by the Public Assistance Committee and punishment books are kept. We met with only one complaint that this was hampering to the house mother's judgment about what kind of handling was best for the individual child. Corporal punishment is strictly limited by statutory order.

"She criticised the rule that boys should not be slapped (laid down by the Committee), as she thinks it often healthier to slap them and get it over rather than to deprive them of activities. This would, I am sure, be done mildly and in good part. A punishment book was seen and contained entries such as "sitting instead of playing on the beach," "kept in from play." There were not many punishments entered. The entries were signed by the Master of the local Public Assistance institution who was finally responsible for the running of the Home. These boys seemed on good terms with the house mother."

Some typical reports about discipline are:

*Single Home. Thirty-five boys and girls.*

"The normal punishment is by putting the child to bed and depriving him of privileges. A drastic punishment is only given by order of the committee. The superintendent said that there was very little corporal punishment. Pocket money is sometimes stopped. This can only be done if authorised by the committee. Another form of punishment is by giving extra domestic work."

*Single Home. Forty boys.*

"The children are punished mainly by being put to bed, but they are occasionally slapped."

*Scattered Home. Twelve boys and girls.*

"For bed-wetting or food pilfering, children may be sent to bed, kept from attending Guides, docked in pocket money."

In one Home we found a small boy in bed on Sunday afternoon because "he had been running about outside when Master likes them to keep quiet."

#### The Treatment of Difficult Children

215. On the whole the members of the staff to whom we talked did not appear unduly troubled about the behaviour of the general run of the children who came to them. We came across few instances of children getting seriously out of hand although some were recognised as defective or unstable. There were probably fewer complaints of children being "unmanageable" than in many elementary schools. The main difficulties reported were general "backwardness," bed-wetting, pilfering and destructiveness; perverted behaviour was reported in a few instances. It would not be safe to assume from this that children did not show other kinds of difficulties. Experience has shown that certain kinds of behaviour tend to be picked out for special comment by staff in charge of children and that those whose "problems" are of a more personal kind and less troublesome tend to pass without comment. It is perhaps of interest that we were hardly given any example of children who were unduly shy or solitary, of children who had special fears, or who developed food fads or special difficulties, though it is unlikely that Home children are any less liable to such troubles than children who are living more normal lives—indeed the evidence of experienced witnesses suggests the contrary. What is more probable is that members of the staff are not aware of these things as difficulties, or, that if they are, they do not think they are worth mentioning.

216. Defective and dull children cause difficulty in many of these Homes and they are to be found in considerable numbers. In two of the Cottage Homes that we visited there was a group of children "certified" (Education Act, 1921) as feeble-minded and attending a day special school, owing to the lack of accommodation for them in a residential special school. The Medical Officer of Health of a Home caring for ten such children said that some of them were low grade feeble-minded, and not suitably catered for in Homes intended for normal children. In one single Home in a county with no special schools, either day, or residential, there were two defective boys under statutory supervision (Mental Deficiency Act, 1913): both were attending an occupation centre. Particulars about these boys were obtained from the local Association for Mental Welfare. One boy, aged 14, was feeble-minded, and had been excluded from elementary school because he was detrimental to other children; the other, aged 10, was an imbecile and "notified" as ineducable. Both these boys appeared to be well cared for, but they were an added burden to a seriously overworked staff. In one Home three children belonging to the same family were seen, and all were regarded, apparently with reason, as defective, though they were not certified. The eldest, a girl of fourteen, had been tried in training for domestic service, and had been returned as "untrainable." She was said to be disturbing to both boys and girls on account of her sexual behaviour, but was being kept on for the time being to help in the Home. One of the brothers had also a marked speech defect, and both the boys were seen to be teased by the brighter ones in the group. The house mother in a particularly well-run Scattered Home found that her chief difficulties centred round two adolescent girls, who, in the opinion of the Public

Assistance officer, were defective, though one had not been examined, and the other was not regarded as defective on examination. One of these girls, aged thirteen, attending an Elementary school, was unable to read, write or tell the time, and refused to do any work in the Home. In another Home under the same authority, two girls were regarded as defective, and one, aged twelve, was said to be having a bad influence over the other girls because of her abnormal behaviour. The Master had tried to keep her separate from the other children but had found this impossible to manage. The cases quoted were the most outstanding examples of actual or apparent defect: many more children were described as dull and backward.

217. Bed-wetting stands out as the most frequent complaint in Homes but with one or two exceptions it did not seem to be a chronic problem with most of the children in the Homes we visited. We found one Home of forty boys, three-quarters of whom wet their beds, though not all regularly. No special advice seemed to have been asked about this and there seemed no obvious reason to account for it. The boys seemed happy and well-cared for. The physical care of the children was good. There was an upstairs lavatory and a light provided. One house mother in a Grouped Cottage Home said that half her thirty boys wetted their beds when they first came but only four still continued to do so. Most of the foster mothers said that it was the usual thing for children to wet their beds when they first came and it seemed a general practice to start them off with rubber sheeting. On the whole the handling of this problem, which is as perplexing and irritating as any with which staff have to deal, seemed sensible and tolerant. In most cases it was regarded as a symptom. According to the statements of members of staff, punishment was very seldom used and compulsory sheet washing was rare though in one Home we were told that the elder girls did the washing voluntarily. The cutting of drinks in the evening seemed to be the exception rather than the rule. In most Homes, there was a routine raising of such children at 10 o'clock. In one Home the most successful course was said to have been to allow boys, who had been dry for a fortnight, to wear pyjamas rather than night-shirts. Prescriptions were occasionally given by medical officers. In a few Homes the staff had tried various methods but had found no solution and regarded the problem as hopeless. For the most part it was regarded as an unfortunate habit but a few members of staff with whom we discussed it had gone further and had become interested in the relation between the habit and the child's feeling of security. Several members of staff said that they would have been glad to have the advice of the Child Guidance Clinic on this and other problems. One matron said that she noticed that when children were ill they did not wet their beds and she attributed this to the fact that they were getting the extra attention which they needed. She did not think that punishments or rewards were much good.

218. Destructiveness was mentioned most often in relation to boys except in one or two cases where it was a more serious problem. It was seldom realised how closely this problem was linked with the lack of play material (sand, clay, water, wood). The description given by one house mother of a Scattered Home illustrates the kind of behaviour which might perhaps be expected in a Home in which there was little material for play indoors and where the small garden was given up to vegetables with the result that the boys were met with a "keep off" notice as soon as they left the house.

*Scattered Home. Eighteen boys aged 5-15½.*

"Most of the boys appear to be backward. Several boys of twelve or so could not tell the time. The house mother complained of their destructiveness and said that she had not been able to let them out by themselves in the neighbourhood because a group of boys had interfered with the electric engine

but this is generally due to the admission of new boys who may have been taught to steal by their parents. One boy, particularly difficult, dull, destructive, using bad language, tears his sheets, throws things at other boys and when reproached, soils himself. He is to be examined by the doctor of a local Child Guidance Clinic who will see him at the Public Assistance institution."

The mixture of ages, and lack of opportunities for grouping the children so that they could spend their play time in ways normal to their age seemed in some cases to account for destructiveness. Shortage of staff undoubtedly added seriously to this problem. In one Home, for example, the age range varied from 5 to 16. There were twenty-two boys below the age of seven, and sixteen over this age. The Superintendent and his wife, who had no resident assistant, and only one part-time cleaner, said that it was quite impossible to run a Home with this grouping. There was only one room used also as a dining room, in which all these boys played together. The following description is therefore hardly surprising:

"The children were all playing together. There seemed to me to be too many younger boys compared with the older boys. No one exercises any supervision over them when they are playing games as the Matron and the Superintendent are too busy. . . . There are hardly any games in the playroom and practically no books. The boys were so destructive that it was no use letting them have games or books. This indicates a serious lack of care."

219. Pilfering was less often mentioned than destructiveness, and seemed mainly attributable to a few of the more difficult children. In one or two instances we were told of boys who were admitted from bad homes. One house-mother in a Scattered Home said that she had occasionally found newly admitted boys taking things from other boys' lockers in the middle of the night, and she thought that they must have been influenced in this kind of behaviour by their parents. Another house-mother was troubled by pilfering from the store cupboard for which she had found a very difficult adolescent girl responsible.

220. In several Homes the help of a psychiatrist or psychologist or children's physician would have been welcomed by those in charge. In a few cases the child had been sent direct to a local clinic, or arrangements had been made for him to be examined by a psychiatrist from a local mental hospital or child guidance clinic. We found few instances in which treatment had been carried out during the child's stay in the Home: there were only one or two areas where this would have been practicable. In one area a county psychiatrist was available to visit individual Homes in the area, but we did not happen to come across any of the Public Assistance Homes in which children had been examined by him. In one county borough an Educational Psychologist had recently been appointed, and the master and matron very much welcomed this appointment and were looking forward to her help with some of the more difficult children. With one or two exceptions we found very little evidence that the child guidance service had begun to play a part in helping the staff of Homes with difficult children. The provision of these clinics is not yet on a sufficient scale to make them readily accessible.

#### Religious Care

221. The part played by religion in the lives of Home children naturally depended upon the religious convictions of those in charge of the children. For instance at a cottage for toddlers aged three to five we saw the children being put to bed. The young house-mother in charge of them had taught

them all to stand round her with their hands together and repeat a short prayer and sing a short hymn. At another Single Home the matron had taught all the older children to say a prayer before getting into bed, but she spoilt the effect of this in one case, by getting up a bewildered little girl to say "a prayer to the lady". It was not our impression that formal religion was imposed on the children in the Homes, though Church attendance was the accepted programme on Sundays. In some Homes there were short prayers morning and evening; in some grace was said at meals but neither practice was general. Care was taken to see that the children either attended a place of worship of their own denomination or, if this was not possible as sometimes in the case of Jewish children, that a service was specially held for them inside the Home. In many instances the children belonged to the choir or to organisations attached to the church. Membership of the choir seemed to play an important part since it gave the boys an opportunity for service and the community an opportunity to appreciate the Homes. Boys in Homes are often the mainstay of the choir; in this respect they have an advantage not enjoyed by the girls. For many children church seemed to be the only means given them for enjoyment of music and singing, apart from the wireless programmes. Our impression was that the staff did not find in Ministers of Religion any special encouragement apart from the valuable offering of activities to the children. We came across some Grouped Cottage Homes which had their own Chaplain who was said to be very interested in the children. As one matron said "The Vicar comes in and out quite naturally as the friend of the whole family". The other end of the scale was reached with the remark of a master and matron, "We never see the clergy unless they come to make a complaint".

#### After Care and Choice of Careers

222. Apart from such considerations as we have already noted, that the lack of stimulus and interest provided for young children in certain Homes may result in retarded mental development at an age when the young people should be preparing for work, there was a good deal of evidence that in most Homes the question of a career was not considered sufficiently early. At an age when in the normal home friends and relations are asking "What does he want to do?" the Home child is often leading a docile regular life without any responsibility or excitement and with very few interests connected with life outside the Home. Such a child must be at a hopeless disadvantage unless those responsible for him make a point of considering his abilities and discussing with him what he wants to do. It is very rare to find that, where a boy or girl is not apparently gifted in any particular way, any psychological test or help is sought, so that technical instruction of a suitable kind can be given as early as possible. The choice of careers and after-care seemed to be either the concern of the staff of the Home or of the local authority responsible. Occasionally the boarding out visitor acted for the department. In one case the matron in charge of Grouped Cottage Homes told us that she greatly resented the work done by the Public Assistance Committee in finding work for her children. She felt that she could do much better for them and could keep an eye on them as well. Neither in the case of the department nor in that of the individual master and matron was there much evidence of consultation with the Juvenile Employment Service. It was generally the custom to combine after-care with the choice of careers so that the same person was responsible for both. In some Homes it seemed to be recognized that the boys or girls were not of good enough calibre for skilled occupations, and that the best that could be done for them was to find them a job on a farm or in domestic service. It was clear in many instances that no special study was made of the aptitudes or special interests of the children.



There had in some areas grown up a long-standing tradition that girls with a little experience of housework might become available for domestic service through the matron, and the girls seemed to be given little opportunity for hearing about other types of employment and for sharing in the choice of employment that would have been open to them outside. It must be recognised, as one of the possible difficulties in choosing a career, that homeless children have special needs at the school leaving age. Residential employment has obvious advantages, particularly for girls, at a time when lodgings are scarce. Nevertheless in our view nothing could justify the lack of care which seemed often to be shown in choosing employment best suited to the abilities of children deprived of normal home life, since the right kind of employment must be one means of compensating them for their loss. In some areas hostels are provided for working boys and girls from Homes and for other children lodgings are found. More trouble was taken in some Homes to find employment of a varied and individually suitable kind for the boys than for the girls.

223. As regards supervision after the boys and girls have been placed in employment, we found that arrangements were sometimes made for a lad to call in at the Public Assistance (or Social Welfare) office for supplements to his wages. Supervision was also exercised over the payments made to his landlady and the allowance made to him for spending money. This kind of supervision was not thought to be necessary where the master and matron were continuing to look after a boy. A good deal of reliance seemed to be placed upon the employer or the boy or girl to get into touch with the person responsible for supervision when things went wrong. We gained the impression that after-care was a haphazard affair which depended too much on the time and good will of staff often already overworked. In a single Home run by a master and matron with an assistant nurse several boys had been sent to farms. One of these was said to have been returned to the Home four times. He told us that he hated farming but the master appeared to think that farming was the only work in which the Public Assistance Officer could place him. Often boys about to go on to farms said that they did not want to do this kind of work.

224. We found a number of instances in which boys and girls revisited Homes in which they had been brought up and many masters and house-mothers referred to letters which they received from them. We heard quite often of boys who came back for weekends or when on leave and once or twice of girls who brought their babies to be shown off to members of the staff. In one Home old boys were welcomed to the holiday camp. On one occasion a taxi driver taking us to an orphanage volunteered the information that he had himself been brought up in a Public Assistance Cottage Home and had recently taken his own boy to see it.

#### HOMES MANAGED BY VOLUNTARY ORGANISATIONS

225. A large proportion of the children with whom this Committee was concerned were found to be in the care of the different charitable organisations which provided for homeless children. These organisations varied widely in size, funds and capacity. At one end of the scale were the three large societies each caring for thousands of children in Homes established all over the country; at the other, were the small villa Homes, managed by a local committee and financed as a local charity, for seven or ten local children. A large number of these organisations, both great and small, owe their inspiration to the religious denomination to which they belong. In their Homes they take the children of their own denomination as their first concern, although many are

willing to accept any child falling within a general religious classification such as "Protestant." Where the organisation caters strictly for children of its own faith there is often a reciprocal arrangement with other organisations to transfer to each other children outside the special category for which they provide. Often societies provide Homes for a particular type of child, e.g., the legitimate, the illegitimate, girls, boys, children of fathers in certain trades and occupations, fatherless or motherless children, the crippled, blind or defective. In the case of some endowed Homes strict specialisation has been a source of embarrassment as the terms of the trust under which some charities have been established have precluded the acceptance by societies of children outside their normal category. The improved provision for the maintenance of children in their own homes, and the special arrangements prevalent in a number of areas for the fostering of illegitimate children, have tended to reduce the normal population of such Homes. We found in our visits several Homes partly empty, which belonged to organisations whose main purpose could no longer easily be carried out.

226. We visited in all 140 Homes managed by voluntary organisations. The number of children provided for in these Homes was 10,217.

227. In the main the Homes run by the voluntary organisations expressed the sincere and general desire of their founders to do good to those in special need, and to make provision for the homeless child at a period in the nation's history when the statutory services were not as developed as they are to-day. Although often hampered by large buildings, which made difficult the individual relationships so necessary to the full effectiveness of their work, there was no indication that as a group the voluntary Homes fell below the general level of child care now obtaining throughout the country. In many instances they were well above it.

228. Speaking generally, the Homes under the control of a central organisation have the advantage of an enlightened general policy and the greater opportunities open to a large organisation for making good staff appointments. Those in charge of the Homes are better able to exchange ideas with other workers in the same field. On the whole therefore a good average standard can more readily be attained than in the small independent Homes. In some instances, however, there is a tendency for the local committee of a central organisation to be guided by old-fashioned ideas, as for example that domestic service is the only outlet for girls. We found too that there was a danger that the central office might be too far away to be closely in touch, and where this was so an independent keen local committee might have been much better and more progressive than one whose sense of responsibility had been weakened by distant control. In the independent Homes, there is a much greater variety of standard, ranging from the very good to the definitely bad. Where a strong local interest in the Home exists, as it often does, the committee may be a great source of strength to those in charge; and the greater freedom to experiment that comes of independence is itself an advantage where the aim is good. Financial stringency however often limits the amenities that the independent Home is able to offer.

229. The funds possessed by some organisations rendered them independent of any outside donations. The powers of inspection of the Home Office do not extend to Homes which are not maintained by charitable contributions nor, unless Public Assistance children are received, have the Ministry of Health any right to inspect. Until 1944, the Ministry of Education had no right to inspect a school maintained on such premises. In these Homes the children may be shut away from any outside contact or advice for the whole of their childhood; they may be in the hands of untrained and narrow-minded

... that they may go out into the world unprepared for ordinary life. We found such organisations in different forms professing different faiths and receiving different categories of children. They were, with few exceptions, alike in their disregard of new ideas and new methods in child care, in their misunderstanding of the needs of present day children, and in their failure to make any provision for the individual such as individual dress, possessions, and liberty. Other Homes were subject to inspection by one or other of the Government departments and the need of some to appeal for voluntary contributions from the general public tended to bring them into line with the community. Even so the standards we found varied widely from those which (whether the Homes were large or small) were able to provide the intimate, informal family atmosphere to those in which the life was institutional, formal and uninteresting.

#### Type of Home

230. In type the Homes were of much the same kinds as are described under Public Assistance Homes. There were a large number of institutional Homes of the "barrack" variety often with imposing buildings, built as a symbol of Victorian philanthropy and intended to catch the eye and to impress the passer by. In these Homes the rooms were often bare and comfortless, and so large that it was usually impossible to set aside any place for quiet occupations or hobbies. As voluntary effort became allied with modern ideas on child care more Homes were built in the style of Grouped Cottage Homes. While the cottages are not as small in size as the more enlightened societies would like, they do represent in their smaller groups and individual houses and grounds a very great advance upon the institutional home. Probably the bulk of the voluntary Homes visited fell into the Single Home group. These may be Homes established by a large organisation with central administration or Homes run by local committees, and they varied in size from Homes for 50 to Homes for 8. We came across no examples of voluntary Homes equivalent to Local Authority "Scattered Homes" though in a number of cases small single Homes in a row of houses of the same size and type were seen. Finally one or two of the large organisations had instituted a system of boarding out, in some cases only for babies, in others for the whole period of childhood.

231. In looking for Homes in a neighbourhood our attention was frequently drawn to unfortunate distinguishing names and notice boards. Such descriptions as "Orphanages" and "Orphan Homes," a "Home for Friendless Girls," a "Training Home for Young Servants," "Homes for Destitute Children," all seemed well calculated to mark off from their fellows the children thus labelled. Most Convent Homes and many others were distinguished by the names of saints though perhaps for this purpose there could be a better choice than the "Magdalen Home," which we found more than once. Many of the big organisations named their Homes in the same way as other houses of similar size and there were no notice boards to distinguish these Homes from other houses in the town or village.

#### Admission

232. The method of admission to voluntary Homes is in the case of the big organisations, through the Central Office and, in the case of other Homes, by application or nomination to the local committee. One or two of the biggest organisations possessed Receiving Homes through which the children were passed to the Home thought most suited to each child's age group and personality. In other cases after the completion of case history and medical records the case was considered in the central office and the child allocated from there. So far as we could judge, from viewing this process from the

receiving end, the actual allocation has recently depended more on whether there was a vacancy in any particular Home than on any other factor. It must be remembered in this connection that many organisations lost some of their Homes through bombing and requisitioning (often more devastating in its results than an air raid) and that others had had to be closed because of shortage of staff. Some of the heads of Homes seemed ignorant of the history of the children in their charge; others had been supplied with duplicates of the records kept at the central office. Admission to the smaller Homes may be by nomination or by application, or both. The particular case would be considered by the superintendent and the committee and admitted if it was considered to fall into the category for which the Home was established. In this case the child would come direct to the Home and any cleansing or special care would be given there.

#### Organisation

233. The Homes which attempted to split their children into groups, especially family groups, were few. By far the larger number were content to deal with the children in the largest group allowed by the premises at their disposal. If in any degree the voluntary Homes fail in their special purpose, it is in giving too much weight to traditional methods and too little to the modern outlook in child-care. The large structures which are the inheritance of the voluntary child-care workers of to-day necessitate mass methods unless great skill is used in breaking up the numbers into "houses" or other groups. The Chairman of one large institutional orphanage told us that it was almost impossible to break up his boys into groups because of the difficult construction of the mansion in which they lived, although he was trying to find some way of doing so. These large buildings are often the property of the particular society or committee concerned. Much as many would like to move or build, their chances of getting rid of the premises are slight and funds do not allow of the purchase of more modern buildings. Those organisations which possess smaller Homes or, in a few cases, Cottage Homes, are more fortunate, though, as in the Public Assistance Homes, the "cottages" are often too large for the name. The more progressive organisations have been gradually developing their provision for children more and more in small groups as near as possible to family groups. Where the cottages as originally built were too large for present-day ideas, some organisations have split even these cottage groups to bring the numbers down to 10 or 12. Some societies with large and unsuitable buildings have made an attempt to deal with the problem by placing their children in family homes during holiday periods so that the large institution no longer serves the purpose of a home, however unsuitable, but simply becomes a kind of boarding school.

#### Buildings

234. The use of large and unsuitable buildings to which we have referred not only precludes dealing with the children in small groups, but also often gives them a dreary and comfortless environment. The following are notes on some Barrack Homes we visited:

"The usual barrack type in a gloomy building. The best is made of the accommodation, but even then it is rather spartan, and cannot be described as home-like."

"An old barrack type building. There is a general poverty-stricken air about the whole place. It is difficult to get enough money to keep the Home going. The home generally is badly equipped. The boys were sitting down to dinner on forms at a long table, and the whole place looked dirty. There was one large bedroom with suitable beds and lockers. The whole

of the appearance of the home was spartan. None of the rooms was very clean. There was not the slightest suspicion of comfort or cheerfulness about the whole place."

"The building consists of large forbidding looking grey stone blocks, some of which have been occupied by a Service Department during the war. We were told that when it was inspected for Air-Raid Precautions, the comment made was that no further security measures would need to be taken as the building was already 'like a fortress,' and this was the impression it gave. The floors are bare stone or scrubbed unvarnished wood. The dining room is ugly and stark to the last degree, with long bare tables, wooden benches, and bare scrubbed board floors. I have never seen a children's Home more lacking in comfort and cheerfulness. There is nothing here that could delight the eye of any child, except perhaps in the playroom of the toddlers—no pictures, no flowers, no coloured curtains or cloths. The place is drab and scoured."

Sometimes in apparently hopeless buildings we found that much could be done by the provision of bright paint, small tables in the dining room, space for quiet reading, comfortable chairs, bright bedspreads, rugs and lockers to do away with the "barrack" appearance. In many Homes more attention to these comparatively inexpensive details would have done much to transform an ugly and comfortless building.

235. Side by side with these legacies of barrack buildings from earlier times has gone on the acquisition and adaptation of large country houses which find no ready market as private houses. Some of these Homes, by the skill of the people responsible and the staff, have been transformed into pleasant buildings of an informal kind set in informal grounds. Others which proved too expensive to modernise or to keep in repair have reached very low depths of provision for growing children. The following examples represent these extremes:

(1) "This Home is situated in a large private house in its own grounds. It is a delightful building for children. The accommodation is very good in all respects, it is a nice airy old manor house. The grounds are ideal for the purpose, and it has a very cheerful atmosphere. Obviously great care and attention are given to the children."

(2) "This is a large private dwelling, the oldest part of which is about 200 years old. There is a large garden, with beautiful trees, and the farm, at present let off, is part of the estate. In spite of the scale of the house, it has proved unusually adaptable for its purpose. The living rooms provide three good play-rooms—one used for toddlers (with lavatory and wash-basin adjoining, and good large low cupboards and shelves), one for boys, if they want to play separately, and one large pleasant room which can be used by all the older children. This room with wide windows over-looking the garden, has one wall lined with ample glass fronted book-cases and individual curtain-covered shelves below. There is plenty of room here for round games or for dancing. The few older girls also have a low ceilinged store room kept entirely for dolls play, surrounded by cupboards, decorated with toy tea sets, and full of dolls and prams and all the material for family play. This room is regarded as strictly their own and grown-ups only come in by invitation. In addition there is a squash court in the grounds which provides excellent space for romping play and for dramatics which can be watched from a little gallery. The sleeping rooms divide up well for different age groups, the largest containing about twelve beds, being used for older boys, and the three others, containing about eight beds, for girls and toddlers. The dining room has French windows opening on to a verandah. The children sit at tables for

about six, the staff scattered round with them. The tables are attractively arranged with bright American cloth and flowers. There is a good staff common room, and the Superintendent has a separate flat containing a bedroom and large sitting room, which can be locked for privacy."

(3) "A converted private house with a large secluded garden, two ample night nurseries with accommodation in each for about fifteen babies. Specially converted bathrooms are being provided with high baths of special design. There is an ample-sized play-room upstairs. Large-sized cubicles are provided for the staff, and there is a particularly comfortable sitting room with books (mainly fiction) and wireless. The whole house is very homelike and comfortable."

(4) "The whole house was in a dilapidated condition and had evidently not been repaired or painted for many years. Plaster was badly broken in several of the dormitories, and damp was coming in. The living-room is one large bare playroom on the second floor. The windows are still partly blacked out, the walls grey and the floor bare boards. There is not a chair or bench in the room, and boys were sitting on the floor. The dormitories were completely lacking in any sort of comfort or homeliness. The dining-room which can probably be used for play contains tables seating about 20 boys each. There were rather soiled table-cloths."

236. Only the wealthier organisations were able to build groups of Cottage Homes but those we saw were of good standard. We visited more than one group like the following:

"These cottages provided an excellent type of foster home and were managed by good house mothers. The standards were high and the children had many pleasures in a home-like and serene atmosphere. Here large cottages taking 20-24 children had been structurally altered to make two cottages each with its family of 10 under a trained house mother."

Both these organisations and many of the smaller societies or committees spread their children into several smaller Homes rather than continue to house them in one large building on institutional lines. Thus all over the country we found small Homes housing 20-30 children with a house mother or man and wife and an assistant, who were sharing the ordinary life of the village or town. Although a great deal larger than a family group these Homes had about them a family atmosphere and in the best of them it was plain that the children were very happy. What could be done in this way the following extract from one of our reports shows:

"At a Home which was a branch of a large voluntary organisation we saw a young foster mother and her assistant who were bringing up 20 little girls aged 5 to 14 in a pleasant villa on the outskirts of a large town. The Home looked much like other houses in the vicinity; there was nothing to distinguish it from its neighbours either by size or grounds. There was the usual tennis court and vegetable garden found attached to homes of this type. The House was not too large to be homely, and it was evident that it did represent home to the little girls who lived in it."

In contrast to this we saw another house of a similar type which had been taken over from a famous family and which was the picture of desolation:

"The place was rambling, inconvenient and incredibly bare. In the boys' rooms there was nothing to sit on and nothing to play with. Difficult as such a place must have been to use, it was not impossible and the plan of the building was such as to lend itself more readily to small sub-divisions than a more compact place. Nothing of this kind had, however, been tried and the boys lived, ate and slept in dormitories on much the same lines as a barrack home."



### Qualifications

237. Our impression, based on such information as we were able to obtain, was that, of the Superintendents, about half were trained in some way for the purpose of their religious orders or denominations, or as nurses, Moral Welfare workers or teachers. The rest, often helpful and kindly and even outstanding in sympathy and common sense, were qualified only by experience. In some cases the experience was exceptionally valuable such as acting as nurse to children in a family. The subordinate workers had more frequently received some form of religious training than any other kind, e.g., Salvation Army, Church Army, the training of the Catholic orders. A fair number had received training and certificates from one of the big organisations giving training in child care, a few were teachers, nurses or nursery nurses. The remainder, by far the majority, had received no training other than experience. The wish for such training and its general desirability were frequently mentioned. Untrained staff had usually gained their experience with children in private families (one young house mother whose general attitude to the children was, we thought, excellent was a good example of the value of this type of experience) or from working as temporary house mothers or assistants or even from bringing up their own children or mothering their brothers and sisters. A few had had little to do with children before they found their place in the Home through the wartime shortage of staff but when they did find it they determined to stay.

### Numbers

238. The ratio of staff to children varied very much as between Home and Home. On the whole it was low, sinking to a minimum of 1:17. The average in those Homes we visited was 1:7 but it must be remembered that in this assessment, a number of minor assistants count as staff who did not take responsibility or contribute much to relief. Those Homes which were either nurseries or which contained nursery units or nursery school units were generally better staffed (as in local authority Homes) than the Homes for older children. On the whole the centrally administered Homes were better staffed than the private or local Homes, no doubt because many of them provide training of their own for which they recruit. Homes which fell below efficiency level were found in both groups. In some Homes the staff was so inadequate that the whole of the domestic work had to be done by the children. At a Home for 30 boys we were told that the only assistance given to the master and matron was the evening visit of the local Vicar who stayed with the boys while the couple went out. This Home was at camp with the master and matron at the time of our visit. From what we could see it seemed beautifully kept, particularly the gardens which were said to be the master's pride. But it is doubtful how long any two people, however keen, can keep up work at this level and share holidays with the boys as well. This home, incidentally, provided an excellent example of a converted private house, showers, sluices, sanitary blocks, etc., having been added to the usual offices.

### Relations with Children

239. We saw many Homes in which there was an easy and friendly relation between the children and the staff. In some, however, particularly the larger establishments, there was little sign of the confidence and affection which a good family background should foster; on the other hand there was seldom any sign of fear or dislike. In the main the children accepted the staff and seemed usually to develop some affection for them.

Examples of the different levels reached in this respect are:

*Home for 60 boys, aged 5 to 16, a branch of a large organisation.*

"These youngsters all looked very well cared for. I was impressed with their independence in going about their household duties, even the boys of eight or nine. One little chap was busily sweeping the passage after breakfast, singing happily as he did so. The children seemed natural and happy at their meals, talking and laughing, but without any rowdiness—whilst the visitors were having their meals at another table with the staff in the same room. They came in in order of age, but without any lining up or marching, and left, when dismissed, individually. They did not seem to need constant supervision from the staff, and one had the impression of children whose meal-time manners were well established and not artificial. The atmosphere for friendliness and comradeship in this Home was quickly evident. The children responded to adults as though they expected interest and sympathy and a common sharing of amusement. I was particularly impressed with the motherly care that was being given to little boys at bed-time. In spite of a big and rather formal dormitory, the Sisters seemed able to give these children a sense of cosiness and comfort, combined with orderliness."

*Small independent Home. 16 girls.*

"The Matron is an over-anxious woman of about 35, who has evidently been much burdened with the work and worry of wartime conditions (bombing nearby). Her manner with the children was 'fussy, possessive, and rather irritable.' She answered questions addressed to them, prompted them in what they said, and jumped on one child in front of the visitors for not having wiped her nose, sending her out of the room. Her outlook was a narrow one. The children seem to be over-protected and more fuss is made of their appearance than of their general development. The Matron speaks of being 'passionately fond' of some of them . . . . These children cannot carry on an ordinary natural conversation with a stranger without embarrassment, constraint, giggling. The Matron finds a good many of them difficult. She mentions the frequency of nail-biting. She makes left-handed children use their right hands. She mentions particularly destructiveness, including clothes. She deplors 'tempers' and the 'saucy tongue' of one of the older girls. These children are not developing into vigorous independent individuals with a knowledge of the world into which they go. The Matron is doing her best, but her outlook is very circumscribed."

### Physical Care

240. The physical care of children in the Homes covered by this section of our report was generally good. We did however find some Homes in which this aspect had been seriously neglected. For example:

"We did not see all the boys, but I was struck with the fact that the youngest looked in the best physical condition, and that the eldest boys looked in very poor condition indeed—thin, tired and listless. It seemed as though the more stable had survived the crude conditions, but that the less fit children who were growing rapidly had suffered from the poor physical care and the very bad sleeping conditions."

"These children were grossly overworked both during school years and afterwards, and some of them look pasty and tired, though not all of them."

In sharp contrast is the Home referred to in the first extract given in paragraph 239.

and natural ease of the older children compared with the generally high level of cheerfulness and healthiness of the younger children. They seemed in many instances listless and apathetic. This seems to indicate a measure of failure in providing and maintaining normal home conditions in those Homes where these evidences were observed. It is significant that in every instance where these facts were sufficiently marked to find a place in the visitors' report, the premises were all of the large, uncomfortable type where there were limited possibilities for arranging the children in smaller groups, or where such possibilities as existed were not used.

#### Clothing

242. The custom of dressing children alike in Homes and Orphanages with its stigma of "charity child" is fast dying out. We saw a few old endowed Homes in which a traditional uniform is still worn on formal occasions and the boys appeared to feel a pride in it. In one such Home only did we find that a uniform of this kind was worn every day at an outside school, marking the boys as coming from a "Home," especially as very heavy and unusual looking boots were worn with it. In a few other Homes the children were dressed alike though not in uniform. In one case this was because one of the big stores had generously given surplus window material. Although the little velvet dresses made from it were individually charming there was too much regimentation when two hundred little girls appeared in similar frocks. In the majority of Homes very great care had been taken to provide pretty individual dresses for the girls and different coloured jerseys for the boys. On the whole and considering the difficulties of the war and post-war period the standard of clothing in voluntary Homes was good. Comments, such as the following at Convents, were frequently made:

"Children most tastefully dressed in smocked frocks. Sister had a great collection of various coloured frocks, blue coats, etc., all very nice."

"Clothes individual and attractive. Gradually wearing out uniform coats and substituting individual coats in different colours."

In one small Home for twenty-four girls, aged five to fourteen, the Matron had bought a number of different coloured straw hats which she was trimming. She did not want her children to look "less nice" than others at their school. In very few instances was the clothing noted as poor and shabby or inadequate. In one such instance we were in a Home for twenty-four boys, locally and inadequately financed and managed by a superintendent described as "self-centred, complacent and content with a low level." He had no helper and desired none but his wife. "The boys (and their clothes) were grubby and unkempt and, in accordance with the superintendent's spartan notions, wore no underclothes." Occasionally we found Homes in which the clothing was dull and old fashioned. For instance at a Convent Home for girls and women of all ages the usual dress appeared to be white blouses and long tunics of old fashioned cut. This dress was worn by all inmates of whatever age except that the old ladies wore shawls in addition.

#### Diet

243. We saw a number of meals in progress, visited the larders and saw the diet books in a number of Homes. In very few was there any occasion for criticism about the feeding and serving of food or the quality of the food provided. Comments such as the following were frequent—

"Meals appeared excellent. Cooked breakfast, porridge or bacon, etc. Dinner: at the Home—meat, fish, raw salad, puddings. Tea: bread and

butter, jam, cake or cheese. Supper: bread and dripping, etc., milk. Many gifts of food—new laid eggs, syrup, fruit."

"Home has its own garden with plenty of vegetables and fruit—also hens."

Great trouble was taken by some house mothers to bottle fruit and make jam. We found one Home managed by a Moral Welfare Association in which rations were not fully taken up, "because the girls over-ate and became lazy" and in one instance the comment was made by the management that the rationed allowances were not sufficient to keep the children healthy and happy. As rationing applies to all Homes the fault was probably one of the management rather than supply. In some cases we noted that the food was dull or monotonous or that the menus were the same for each week. In one or two we thought the amount provided insufficient. The reason given at one Home was that, although they had plenty of points, expense had to be cut down and they could not buy as much food as would have been available. As in local authority Homes advantage was seldom taken of school meals.

244. The serving of the meals seemed to us to have an important bearing on the value of food. There was great variation in these arrangements from long trestle tables and enamel plates and mugs to pretty separate tables and attractive cloths and china. At one Convent Home for eighty small girls we were told that they had enamel plates as they "might break china"; at another Convent Home for Mental Defectives we were told that the attractive floral china they used "helped them to learn to take care of it." Here is an account of a small local family Home for eight girls at tea: "Excellent food for tea. Bread and butter, cheese, golden syrup and luns. All sitting happily round a table, the elder girls spreading bread and treacle for the younger and taking charge most competently. They looked a delightful picture . . . ."

245. In certain Homes it was noticed that the Staff had their meals apart from the children or that although they ate in the same room they were given different food. The happiest atmosphere was found when Staff and children sat down together and it seemed probable that by this the children were helped to behave well and considerably at meals.

#### Medical Care

246. In the greater number of Homes the local doctor sees the children on arrival and afterwards only if required. In very rare cases the doctor visited at regular weekly or monthly intervals. In some large Homes there is an appointed Medical Officer who makes frequent visits and regular examinations. These Homes set a very high standard of medical attendance quite equal to that in the local authority Homes.

#### Daily Routine

247. Rising before 7 a.m. for children under 14 was only noted in a few cases. Even so there was a long day, in some cases well planned, in others monotonous and uninteresting and too much occupied with housework. Early rising was usually connected with the need for work to be done in the house, beginning with the immediate making of beds on rising so that they were never aired. In one Home where the boys rose at 6.15 a.m. each had a definite section of scrubbing to do before breakfast; and in other Homes a considerable amount of dusting and polishing is done. In several of these cases the Home building was large and barrack like, and it appears that the children suffer if such a place is to be kept in spotless order. In one large Convent Home, where a large amount of laundry work is done, the girls rise at 6.30. In most Homes children were required to do no more than



... their bedrooms tidy, help in laying out meals, in washing up and in a little cleaning. The work periods varied considerably. In a well staffed Home they might be as low as half an hour a day; in one or two unfortunate instances the housework even for school children was as much as four hours a day. In one Home of little boys aged 4 to 8 the Matron said that when they asked to do little jobs, wishing to be helpful, she encouraged them even if the jobs had to be done again. We thought that as a general practice too much use is made of boys and girls in housework for housework's sake rather than for its primary purpose of cleanliness and comfort. In some hands housework appeared to become an instrument of repression, a means of keeping children out of mischief, a daily discipline and even a punishment for misbehaviour. Such methods can only destroy any interest which boys and girls may have in looking after their home.

248. A totally different problem occurs in some small training Homes where work which could be done by two or three house-maids may be all the occupation for eight or nine girls who seldom go out. In one small Home of this kind a solution had been found by allowing two girls to go to daily work in the local Children's Hospital. In no kind of Home were we satisfied that the children doing housework receive a sufficiently thorough training in what they do. There is a real danger that the children may merely be solving the staff shortage or that housework is a simple way of providing occupation. There were, however, some Homes, particularly Homes for boys, which were working on more constructive lines. In one case the boys had certain "trades" (so called) which they learnt in turn and in another each boy had a job for a week.

249. In one notable instance, when the requirements of school hours and house duties had been met, there remained very little time for play, and scarcely any margin at all for free activities without direction.

"This family—a large one, over two hundred boys and girls of all ages—got up at six, summer and winter, went downstairs to wash in cold water, and then spent half-an-hour in a bare gaunt schoolroom for 'spiritual meditation'. This was followed by an hour's housework, with breakfast at 8 and another period of prayers. The cycle of *ora et labora* brought another hour's housework at 9, so that when the children gathered in their own internal school for lessons at 10 o'clock they had already spent four hours in more or less trying activities. School ended at 12.30 with dinner at 12.40 followed by washing-up. Afternoon school was from 2 to 4 or 4.30 and a free period until prayers at 5.30 and tea at 5.40. At 6 the girls had an hour's needlework, and the boys an hour's 'prep.' This left an hour more or less free until 'cocoa and bed' at 8."

#### Education

250. About half the children in the voluntary Homes we saw attended the local primary schools (some went to secondary or technical schools) and half attended elementary schools within the Home precincts. A small number attended nursery schools within the Homes. A far higher proportion of children were educated inside the Homes than in the local authority establishments. It should, however, be noted that approximately half the internal schools were in two large organisations, one of which is of high standard with a complete range of education, including a secondary school from which the children gaining scholarships can go on to Technical or University education. In a few instances the provision of an internal school was in full co-operation with the Local Education authorities, the school premises of the residential Homes concerned being rented by the authorities for the purposes of local education. In these cases the full costs of the school, including teachers' salaries and school supplies were borne by the Local Education authorities

concerned, and children from outside the Homes attended together with those who resided within them. Some of the self-contained schools were maintained in order to secure religious training in accordance with the faith of their providers. In such instances the major part of the cost fell upon the Homes themselves. One of the worst educational instances observed was in the Nonconformist Home described in paragraph 249, where the School was conducted on limited lines by untrained teachers, most of whom came from the school itself by a form of pupil teacher system. Outside training was discouraged as being subversive of their religious beliefs. In the Convents of one Order it is customary to employ unqualified teachers who may be entirely responsible for the education of the children.

#### Vocational Training

251. In a few instances vocational training was arranged through technical classes and evening schools. In the majority of the places visited this provision was lacking, whilst there were a few instances in which the years after leaving school were used too much for work of a routine nature. In certain Girls' Homes administered under a Religious Order, the girls of junior age became, on leaving school at 14, employed in the Homes as laundry hands, working full hours in old-fashioned and inconvenient buildings, converted to the purposes of trade laundries. In one such instance £85 a week was earned by work for outside customers. There was a certain vagueness about payment to the working girls. "Half-a-crown a week, five shillings if they are very good" was suggested, but not with confidence; sometimes it was "half-a-crown from time to time." Another similar but smaller Home was mainly supported by laundry earnings of £20 a week, the girls having no payment beyond a shilling a week pocket-money and from 5s. to 10s. a month banked on their account. The following was noted in one establishment as the routine of the normal day—6.15, rise; 7, Mass; 8, breakfast, 9 to 12.15, laundry or housework; 1.50-4, laundry or housework; 4, tea; 4.30, Benediction; 5 to 7, laundry or housework; 7.30, bed.

#### Leisure

252. Some Homes have good premises, large playrooms and good gardens but are without the right sort of library, constructional toys and the few possessions with which children can build a life of imagination of their own. In this the larger Homes, unless they are divided internally into family groups, are at a disadvantage. Possessions are more often in common, the dangers of destruction of books and toys are greater and the staff cannot take the same individual interest in the child and encourage his special interests and aptitudes as they can in the smaller Homes. Pets are not so easily kept and cared for amongst large numbers of children. In very many Homes, large and small, there was seldom provision for the older children to have a room apart from the younger ones or for suitable games or hobbies for the older group. Most of the nursery Homes had excellent toys for little children. One Home for little boys, not well supplied with toys, gave great happiness by the provision of a sandpit in the garden and even greater happiness by an accidental heap of sand in the drive. Sandpits were seen in several nursery gardens. While watching the children at their games we were often impressed by the family play in the small independent Homes and the happy sharing of facilities. The following comment is an example—"Swing boat—a few soft toys—splendid sandpit—tricycle—dog much appreciated—tin wheel barrow in great demand."

poor. Members of staff seemed readily to appreciate the need for the small children's play, but perhaps because so often of limited educational opportunity, they themselves have little idea of the needs within the Home of older boys and girls. At very few Homes was there a good library or use of library facilities, or provision of a quiet room to which older boys and girls could retreat. The impossibility in the average Home of any but the most book-minded children managing to read in the midst of perpetual hubbub has, we think, meant that there has been little demand for books or papers. Time after time we commented on the lines of the following notes:—

"Very deficient. Few books, no sign of hobbies. Only two Girl Guides from the Home."

"Nothing much for girls to do—mostly knitting. Only a back yard for recreation."

"Very poor equipment for leisure time except in the nursery. Only a yard for play."

In one of the Homes visited more effort had been made to stimulate intellectual development; the older boys and girls had constituted and were working successfully a Parliament for the discussion and regulation of their own affairs, members of the staff or visitors being invited from time to time to introduce topics of general interest suitable for parliamentary debate.

254. In most of the Homes seen some effort was made to provide the children with a locker or drawer of their own in which they could keep such personal possessions as they had. In some cases these were shown to us with great pride and when opened revealed the usual miscellaneous collection of oddments which children keep. It was, however, brought home to us how difficult it is in a large Home to avoid such things becoming common property. There are very few Homes in which personal photographs, pictures or ornaments are allowed in bedrooms.

255. Pocket money was usually supplied regularly, but often on a very low scale. In some instances the children bought their own sweets out of their weekly money; in other cases the sweet ration was extra. Convent Homes have not yet as a rule made arrangements to give regular pocket money to their children. In these Homes and a few others the children largely depended on presents from their families and irregular gifts from the Homes at Christmas and other festivals.

#### Outside Contacts

256. The encouragement of friendships and acquaintanceships outside the Home is still found infrequently and in some Homes the children were not allowed or not encouraged to join outside organisations. We noted a Convent Home where the girls went out to the Girls Training Corps and two other small Homes (branches of a large organisation) one of which had been adopted by the local Women's Institute whose members invited children to their Homes: the other had organised an "Aunts and Uncles" Scheme. Scouts, Cubs, Guides and Brownies are too often run within the Home, but where the children are allowed to belong to troops outside there is great gain. The "Uncles and Aunts" schemes seemed excellent if arranged with care but are unsuccessful when only the attractive children are wanted, or where some children receive more treats than others. We thought that in most Homes the children could have taken a much greater share in the life of the neighbourhood than they did.

#### Contact with Relatives

257. Contact with relatives is encouraged and on the whole is well maintained considering the difficulties of transport, fares and distances. We estimated that about a third of the children received regular visits, about the same number have very occasional visits or none at all. The rest have visits from time to time, less often than once a month. Only in a few instances did we find that the Homes made any attempt to prepare the family for the child's return or, where no interest was volunteered, to try to find relations who might take interest in him. Contact with the child's home was often maintained by the central office of the organisation where the child was not personally known.

258. The writing, and much more the receiving, of letters means a great deal to children. As with contacts with relatives letter writing seemed to be a matter of course for a third of the children, whereas about a third had no one to write to and received no letters. Occasionally an attempt had been made to fill the gap by way of "pen friends" but it proved difficult for children to keep up an interest in someone they had never seen. The "Uncles and Aunts" scheme should go some way to meet this need so long as some children are not left out. Both incoming and outgoing letters were usually read but in a few instances those in charge held strongly that the children's outgoing correspondence to their relatives should be free.

259. The practice in regard to holidays varied considerably. In some Homes great efforts were made to give the children a change. If they had suitable friends or relatives to go to, a holiday with them was arranged. Other children were sent to Homes elsewhere. Often the Home took a holiday at the seaside or in camp. In some Homes, however, there seemed to be no arrangement for a yearly break.

#### Behaviour

260. As far as appearance and behaviour of the children in voluntary Homes were concerned we found the standard attained was with some exceptions a good one: We seldom noted untidy or dirty children or unpleasant behaviour. At meals the behaviour was good, but we found far too many Homes in which children were expected to eat their meals in silence. It seemed to us that there an opportunity for the teaching of good manners was lost. In one or two Homes the teaching of manners was of an old world variety which could only appear freakish in the modern world, such as bobbing a curtsy, saying "Yes, Ma'am, No Ma'am" to everyone and constantly getting up whenever visitors passed in and out. We thought that the Homes would be better employed in teaching the simple courtesies expected of well brought up young people of today.

#### Discipline

261. It is always difficult to assess methods of discipline used in Homes or any organisation where so much depends upon the individual capacity of members of staff and their relations with the children. On the whole such methods as we were able to see seemed negative and discouraging rather than positive in their value and there was much less often evidence of a code to which the children subscribed or even contributed than of rules thrust upon them from above. We found that, in a few Homes, those in authority considered that caning and deprivation of liberty and food were necessary to maintain order, though in our view such methods were used only at the greater cost of producing more problems than those with which they dealt. We saw (and indeed were likely to see) no evidence of unduly harsh or cruel discipline. Signs of repression were evident in some Homes. For

...at a home for little girls, we watched from a window the children come home from school chattering and full of life, only to become subdued and silent as they crossed the step of what should have been their home. At another home the little girls spoke and moved like little girls of a hundred years ago though they did not, for all that, appear to be unhappy. On the whole punishments were of the type of early bed, loss of outings, food, pocket money, "pictures" or sweets stopped. Punishments related to food and sweets were infrequent; it seemed to be generally recognised that in these days at least loss of food was scarcely legitimate. One Home which sometimes docked a pudding course, gave the child, without comment, a larger helping of the first course.

262. Corporal punishment with a cane was not often noted. In the two Homes where we were uneasy about its use we found that the superintendent of one had been fined at the local magistrates' Court for excessive punishment and that at the other caning was regularly used as punishment for bed wetting. In other Homes (always Homes for boys) in which we heard about caning this punishment was given from time to time for "anti-social behaviour", wanton destructiveness, fighting and bullying.

263. In a few Homes only did we come upon traces of self-government and an appeal to the child's own social conscience. Those in authority relied on a system of punishments and rewards. The rewards took various forms. In one Home sweets and soap were given out (scented soap we found ranks as a special present and in some Homes tooth paste provided a good second, evidence perhaps of the deprivation of ordinary amenities of life), or medals, ribbons or ornaments such as brooches. Sometimes children who had been specially helpful were taken to the pictures or given some privilege in the house. The older boys and girls usually became increasingly responsible for the care of their younger companions but they were generally selected for such special duties and kept under close direction by the Superintendent. This perpetual dependence on others during the formative years of childhood may tend to produce young men and women lacking in initiative, responsibility and powers of leadership, a criticism which is often levelled at the old boys and girls of institutions. In the best Homes, however, much thought is devoted to the finding of special responsibilities which will develop the personality and self-respect of the individual child.

264. It was noticed in some Homes that visitors were a cause of undue excitement; the children crowded up, demanding attention and pressing forward with their toys, talking at the tops of their voices, in such a way as to suggest a serious lack of day-to-day affection of a motherly kind on the part of those in charge of them. This tendency seemed specially marked in the larger and more institutional Homes where it was difficult for the staff to deal with the children as individuals. Some of us saw with distress thirty toddlers at a Convent Home, who were being cared for by a woman of very low mentality, who had been a girl in the Home and was then 28 and incapable of working outside. These children rushed at us, pulled, petted, clung and felt our clothes and other possessions. They lived together as a group, with the woman in charge of them, without the stimulus of contact with the next age group of children or with older girls and with little contact with normal adults. We were not surprised to find in the same Home that the groups of older girls were tongue tied and inclined to giggle and even to become hysterical as a result of notice from visitors and that we were constantly told by the Sisters that their girls were abnormally dull and backward. In striking contrast to this Home was a small villa Home for 20 girls aged 5 to 14. When we visited some of them were getting ready to have tea in the garden (a pleasant large garden with plenty of grass).

Some were playing with a see-saw and the old dog, others had toys, balls, books and other games. They all appeared happy and occupied and took no notice of visitors in whom they were not in the least interested. The young matron in charge of them told us that the children were constantly asked out for the day or taken shopping or to the sea by families in the neighbourhood. At this Home, too, although it was perfectly clean, we saw the refreshing sight of toys scattered all over the playroom steps.

#### Difficult Children

265. Only in the more progressively managed Homes was there an awareness of the need for special treatment of difficult children. As a general rule such children were considered "naughty" and were dealt with in the same way as the rest. In the worst Homes such problems as enuresis were treated by punishment or accepted with a fatalistic attitude. In a number of Homes the enuretic children slept in separate rooms or in a separate part of a dormitory or were otherwise marked out. In one Barrack Home these boys had a red light by their bed. Treatment often appeared to consist of a "talking to" and the washing out of sheets by the child concerned. One such child returned to the dormitory to make his bed while we were there and seemed quite overcome with the shame of being seen. In the better Homes there was an attitude of encouragement rather than blame and a system of rewards for an increasing number of nights without trouble. When we inquired at one Home whether the rewards caused jealousy the matron replied that the opposite was the case as all the children were most anxious to help.

266. Absconding from voluntary Homes is apparently very rare even where the Homes are not of high standard. We did come across one small Home from which twelve children decamped after a change of matron. As in Local Authority Homes the less noticeable symptoms of difficulty usually remained unrecognised. Pilfering (especially of food), destructiveness, secretiveness, fantasies, were all mentioned as examples of naughtiness and punished severely. These tendencies which are usually the results of wrong methods of upbringing were largely missing from the better Homes but if and when they did occur they were treated sensibly. It was rare to find that use was made of Child Guidance Clinics or other specialist advice.

#### Religious Care

267. In all Homes in which enquiry was made there was some form of daily prayer with the children. In two Homes the younger children were taught prayers by the matron and in one case they said their prayers with her. But only in two Homes was there much sign that the children's prayers were related to their daily life. One of these was a Home for little boys where the matron tried to make the prayers live for the children. For example, at the time the Home was seen, the order had lately been given by the Food Ministry to save bread. The children as a result were praying, obviously with genuine understanding as far as was possible at their age, for the starving people of Europe and China and anxiously asked if they could not send some of their own bread to a Sister whom they had known and who was, they knew, working in China. In Convent Homes it is usual for the children to attend Mass each day and they are taught short personal prayers of a formal kind. In Homes such as these and in others built up on a foundation of religion the personal character of those in charge of the children must exercise a strong influence on their minds and lives. The practice of attending Church or Chapel on Sunday morning and Sunday School in the afternoon is the normal one for most children in Homes. The rest of the day is often barren of interest and occupation.



268. Both Anglican and Roman Catholic Orders have been pioneers in the care and upbringing of destitute or deserted children. Their services in this field have been given with devotion, and the time and funds of a number of religious communities have been spent in the work. It may however easily follow from the manner of life in religious communities that convent Homes may be, to some extent, isolated from the general stream of life; and this may result in their being out of touch with more recent views on the education and training of young people, although in the more progressive Orders there is a genuine wish to keep abreast of the best modern views. The life of simplicity and austerity which the Sisters have willingly chosen for themselves is reflected in the training of the children for whom they are responsible. The manual labour, which is to them a welcome service to the Convent community is also considered of benefit to the young people in their charge, and is often expected even of young girls of working age, without payment, as they themselves would offer it. To some extent this explains methods of teaching and training which in other circumstances might be thought to show ignorance of the real needs of childhood. For example, the children who are brought up in Convent Homes are still largely housed in gaunt, barrack-like buildings with large bare playrooms and dormitories. Their contact with the world outside the home is often, like that of the Sisters, limited, and in the case of the older girls the upbringing in the Convent shows signs of a deprivation of some of the ordinary enjoyments and interests of young people of their age. There are of course exceptions to this, but we were impressed in many of the Convents by the long hours of arduous work, sometimes with little training value, which left relatively little time for recreation and social life. As in the case of many other of the Homes we have described we noted that in many of the Convents there was a depressing failure to provide for older children social activities, interests and hobbies suitable for their age, although much better provision was often made for younger children up to 7 years of age. We have already commented under the various headings on conditions which we found in the Convents we visited. We have added this special comment because we feel that to some extent the less progressive form of care may be explained by the relative importance attached by those responsible to the religious training of children.

#### After Care and Choice of Careers

269. It seemed from our inquiries that in almost a third of the Homes the preparation for and arranging of careers was on the whole good. The range of employment taken up by the boys and girls from the best Homes was varied, including for boys such occupations as bakery, boot and shoe making, building trades, factory work, farming, gardening, carpentry and joinery, chemical work, engineering, confectionery, printing, book-binding and commerce, the Services, Police, architecture, pharmacy, dentistry, journalism, teaching, scientific research, and for girls dressmaking, laundry and factory work, nursing in hospitals, and nurseries, hairdressing shop work, domestic work, dentists' receptionists, clerical work and shorthand typing, teaching. (This list is taken from notes of actual jobs being held by old boys and girls.) One girl was seen who wanted to go on the land and at a Camp School the Headmaster urged the boys to take an interest in country things, particularly farming and stable work. On the other hand in an otherwise well managed Home we met a small boy who wanted to be a chef but who had not been allowed to give any help in the cooking. In one Home for girls the matron pointed out that an old girl of the Home who was secretary at a technical college, was, after paying 25s. a week for lodgings, earning less

than another who had a post as parlourmaid and was given her keep. For this reason it appeared that girls were more willing to take up domestic work than they had been, especially as they could now count on good off duty time. At one excellent branch of one of the big national organisations boys who were studying for careers could continue to live in the Home while taking their courses outside. An arrangement of this kind is exceptional partly because most Homes are short of accommodation and partly because of the extra expense involved. It may also have an undesirable side as in a large isolated Home for boys where before the war the boys trained in various trades in the Home until they were 21. The needs of the Services now ensure that every boy leaves before he is 19 but it seemed to us that it would have been far better if the years between 17 and 21 could have been spent outside the Home learning a trade and mixing in a normal way with other young people of both sexes.

270. What we have said gives the bright side of the picture, for in the other Homes the arrangements both for providing work and for putting the young people in it were unsatisfactory in the extreme. The great majority of all the boys and girls are capable of meeting the requirements of the middle range of industry with help in gaining the necessary qualifications. It would seem to follow that the ordinary means of finding employment would be suitable. In spite of this in most Homes, good and bad, the bulk of the work in connection with employment appears to be done by the superintendent alone and even in many good homes far too little use is made of the Juvenile Employment Bureau. This meant that a large number of Homes for girls depended upon domestic and laundry work for the main occupations to which their girls went, and that an equal number of Homes for boys became one of the main local sources of unskilled labour: we calculated that in about a third of all Homes the output was entirely to domestic service and unskilled labour. On the whole the boys even in the poor Homes had more choice of occupation than the girls who even in Homes of otherwise good standard were often offered a very limited range of possibilities. The standard of employment was in fact much the same as we noted in Public Assistance Homes except in the case of one or two of the large organisations.

271. It has to be admitted that many Homes fail as badly in after-care as they do in arranging outside contacts for their children. In the normal home the child is sure of a constant interest in all he is doing: if difficulties occur "home" is behind him and ready to help him: if he does wrong and gets into trouble his parents are there to stand by him. Only exceptionally is this true for the institution child. We were told at one small Home for girls that if a girl got into trouble she was sent back to her real home, in that case almost certainly one from which she had been taken or sent away because it was undesirable. The placing, which was far too often arranged by local contact with the superintendent, was far too seldom followed up by any real interest in the young person pushed into the post, who was left to sink or swim as best he or she might. What may happen is best illustrated by the following comment—

"We were troubled about arrangements for children who got into difficulties when placed out in service. One such girl placed out with a clergyman had stolen and was returned home to her father—a widower. Matron was firm that she could not return to the Home, but neither apparently was there any other Home of the same organisation that could take her. Matron had written to the Headquarters of the Society asking that the Welfare Officer should get into touch with her. Another girl had been sent to a Laundry Home. There seemed to be a suggestion here that their Society could not deal adequately with their girls who 'go wrong'."

A few of the large organisations had, we found, their Welfare Officers, but because of the way in which their old boys and girls were scattered over the country, the bulk of their work appeared to be conducted by correspondence. Those organisations which had branches in different parts of the country sometimes carry out after care through the superintendents of the branches where the young people live near enough to a Home. In many cases they are too far away to afford the necessary fares and so fall to be supervised by letter only. In the smaller Homes there is no means of keeping in touch with boys and girls who had left the Homes, unless they were employed in the neighbourhood.

### HOSTELS FOR WORKING BOYS AND GIRLS AND PROBATION HOSTELS

272. Hostels for working lads and girls may be set up by Local Authorities for boys and girls from Public Assistance homes who need help when they first begin work, or by voluntary organisations for boys and girls from their own Homes, or for young people in the large cities who are starting work and need cheap and respectable lodgings and some companionship. A few voluntary organisations and local committees of interested persons have set up, as a piece of social work, special hostels in which young offenders aged 14 to 17 can live for a time as a condition of a Probation Order under closer supervision than would be possible in their own homes.

273. We visited two hostels run by local authorities and five managed by voluntary organisations or committees. We found that they varied very much in standard. This variation was, as far as we could judge, attributable rather to the type of Warden in charge than to any financial considerations. Some of the voluntary hostels which had been set up and maintained by the generosity of local people had a struggle to keep going, yet their standards were as good as those of local authority hostels which were wholly maintained from public funds. We saw in one county area an excellent small probation hostel and in the same area a poor local authority hostel with an unsuitable Warden in charge. In a large city an opposite state of things was found; there was an excellent local authority hostel, a home-like and cheerful place, while the probation hostel was cramped and depressing.

#### Finance

274. Although the boys and girls pay in to the hostel funds a proportion of their wages they are not always able to meet the whole cost of their maintenance and provide clothes and pocket money. All working hostels must therefore have a reserve of other funds to allow for residents earning small wages or taking apprenticeships or falling sick or out of work. This expenditure, which is not easy to calculate, falls very heavily on voluntary bodies and in the probation hostels a maintenance allowance on a sliding scale towards the keep of the young person is contributed from public funds. During most of the period covered by our visits the hostels received, from the probationer and the local authority together, a maximum payment of 30s. a week, the contribution from public funds being limited to not more than 20s. of that amount. Since 1st June, 1946, the maximum payment has been increased to 40s. a week, and the maximum contribution from public funds to 30s.

#### Care of Young People

275. Most of the hostels which we visited were situated in or near large towns where employment of different kinds was readily available. The nearness of their work makes a great deal of difference to the health and wellbeing of young people whose travelling time comes out of time which would otherwise be given to rest and recreation, and whose money is quickly absorbed in fares. The young people in most of the hostels we saw seemed reasonably happy,

and in a few hostels, very happy. The food we saw was good and plentiful though sometimes roughly served. When a boy or girl could not return to a meal, sandwiches were given or money for a meal. In all hostels some assistance is given with clothes. Young people sent to probation hostels frequently arrive only with the clothes they are wearing which are often torn, dirty and unattractive. In these cases assistance from public funds up to £12 may be paid for each probationer. Many of the voluntary organisations and local authority hostels hold stocks of clothes from which these young people can be supplied with necessities. All need working suits, dresses and overalls and it is usual to have one or more better suits and dresses for recreation and for Sunday wear. At most hostels clothes are an important feature as it is at this age that the young people are beginning to take a pride in themselves and their appearance.

276. An honorary medical adviser who attended as required was attached to all the voluntary hostels we saw. We were told that many of these doctors take an active interest in the well-being of the young people.

#### Buildings and Furnishing

277. In the main the hostels were rather cramped for space when the need for hobbies and games is considered. Some hostels had tried to meet this need by building on huts or sheds in the grounds but this again restricted the space which could be given to pets or to free play. Difficulty had been experienced in some boys' hostels in providing sufficient sanitary blocks and these had in a few cases also been placed outside, causing a further restriction of the grounds. The hostels we saw were not as a rule either liberally or comfortably furnished and an opportunity seemed to be missed of teaching these young people the care of a house and of pleasant furniture and china and an appreciation of equipment. For example, we noted at one local authority hostel—"One pale incandescent light burned in the long dormitory, the windows were draped in flapping blackout which was frowsy and torn. The whole place was stuffy and unpleasant." Better conditions were seen at two probation hostels for girls. One for twelve girls provided a small room for each girl with attractive curtains and bedspreads, a dressing table and cupboard. The other provided for each pair of girls a dressing table and mirror. As we have so frequently remarked of other homes there was little or no provision for a quiet room in these hostels or for a really comfortable sitting room with easy chairs and cushions. The rooms were nearly always bare and comfortless with hard chairs and even, in one instance, forms. In only one hostel did we see personal knickknacks and photographs in the bedrooms. The exception was the small probation hostel mentioned in paragraph 273.

#### Leisure

278. The problem of leisure is always a difficult one in hostels where many different interests must be catered for. In all hostels boys and girls were free to join outside organisations and activities, to go to the pictures or to classes. In the case of probation hostels it is, however, necessary to ensure that the young people are really spending their time in sensible occupations and sometimes there is the difficulty that they are greeted with suspicion even by the youth organisations which they join. The boys from one probation hostel joined the local A.T.C. but gave up because of accusations which were made against them without supporting evidence of articles being stolen. In some hostels boys join T.O.C. and girls and boys join local clubs and fellowships. Some young people take evening classes in trade subjects. Most hostels have provision for a recreation room or hut of some kind and for indoor games such as ping-pong and billiards, a wireless and gramophone for dancing.

as we have already mentioned there is little space for quiet occupations, for reading, the writing of letters and little opportunity for a young person on probation to think things over and take stock of his position.

### Discipline

279. It must be remembered in considering methods of discipline that these boys and girls are contributing towards their keep and are entitled to be considered as responsible for themselves. On the whole the discipline in the hostels is light and of such a kind as to emphasise this feeling of responsibility. Fining, restriction on outings in free time and deprivation of privileges are usual methods although in some hostels a management committee of the young people themselves enforces a code of behaviour in the house and consideration for others. The probation officer continues to keep in touch with probationers during the period in the hostel and he stands behind the Warden and can be called in to advise or help in an emergency. Many of these boys and girls have special difficulties and need a great deal of help when they are first placed at the hostel. Many Wardens encourage better standards of conduct by talks on subjects of special difficulty both to individuals and groups.

### Employment and After Care

280. We gathered from discussions with the Wardens of hostels for working boys that the finding of employment rested mainly with the Warden to whom local firms applied when they wanted employees. One Warden told us that most of his boys went into local shops—there was "a great call for butchers' assistants." It appeared that the Warden did not always consult the local Juvenile Employment Bureau even where both hostel and bureau were run by the Education Authority. We had some doubt whether these young people were given the same choice of work as others living in their own homes: the arrangements seemed haphazard, depending more on the Warden's contacts with employers than on competent inquiries. It was no doubt inevitable that there should be at any rate for a time a rapid changing of jobs. This did not appear to worry the Wardens as it was realised that many of the young people in probation hostels had been unable to stick at work or keep a job before their admission to the hostel.

281. The period of supervision under a probation officer normally continues after the period of residence is over and the boy or girl has returned home. Residence is usually for six to twelve months only (twelve months with three months remission for good behaviour was suggested by one or two Wardens) and is intended as a preparation for ordinary life at home. During the probationer's absence he is encouraged to keep in touch with his family by letters and visits while the local probation officer does what he can to improve conditions and prepare the family for his return. In other hostels (as in Public Assistance or voluntary homes) the young people may have lost sight of their families and will need, when they leave for lodgings or residential employment, a friendly hand for a considerable time. Some hostels encourage their ex-residents to come back for visits from time to time.

### Segregation

282. Strong views were expressed to us on several occasions about the undesirability of segregating probationers in separate hostels. Several Wardens suggested that they should go to other hostels for working boys and girls so that only a few would be resident in any one place. At one hostel the words "Thieves Hostel" had been chalked on the gate and this, though an isolated incident, suggested that probationers might be at a disadvantage

in probation hostels. While probation hostels are free to admit any young people in the same age group, the payment of grant and the laying down of certain conditions tends to keep out other cases. Against this must be set the difficulty of maintaining a standard of care, when payment is made only for isolated cases, and of providing specialist care for young people who may be both difficult and delinquent and considered unsuitable for placing in other hostels.

## APPROVED SCHOOLS

283. We visited 52 approved schools in England and Wales of which 10 were provided by local authorities and 42 by voluntary organisations. We do not think it necessary to describe these two groups separately, as all alike were inaugurated and are managed in close consultation with the Home Office. Some of the schools we regarded as doing very good all round work for the children. This does not imply that there was nothing to criticise about them, but that we were satisfied that in these schools the staff had succeeded in creating an environment in which children could thrive, and that they were skilled and understanding in their work and able to co-operate in future developments of a progressive kind. In a minority of schools we thought radical changes were necessary if the welfare of the children was to be adequately secured.

### Management

284. Each school has a local Committee of Management except in a few cases of local authority schools managed by a Sub-Committee of the Education Committee. The Committees of Management usually meet at the School at monthly intervals. We were informed at two schools that the members took a lively interest in the school and in the welfare of individual boys and girls. The staff of several voluntary schools were appreciative of the help given by the Committee in arousing local interest in the work of the school. The counsel of the Chairman in discussion of detailed needs was in some cases particularly appreciated, and we gained the impression that the Committee added to the confidence of the staff and to the status of the school in the community.

### Admission

285. The method of admission in almost all schools is now through the Home Office direct, or through a classifying school. It was not possible from our visits to two classifying schools, a girls' school and a boys' school, to gauge the system adequately, but from the little we saw, and on general grounds, we felt that it should be thoroughly examined by experts before it is widely extended. At the girls' school we saw intelligence tests being given by someone who clearly did not understand their full implications. At the boys' school it was said to take as long as two months to observe and test each boy and to reach a reliable conclusion about him, although it would, in our view, have been possible to assess many of the boys in a few days. Both these visits were made by groups including members specially qualified to judge. It seemed to us that, when a boy or girl had been for some time in an approved school, the transfer became a break rather than a beginning of a training, and valuable time appeared to be lost to no good purpose. This view was reflected in the uneasiness of the schools at the receiving end, where the opinion was held that residence in the classifying school merely unsettled the boy or girl who must be discouraged from forming loyalties to a place of temporary stay, and that the proper place for classification was in the remand home. In some schools considerable trouble



had been caused by boys and girls too unstable or of too poor mentality to be dealt with by the particular schools to which they had been sent. One Headmaster complained that his school "appeared to be classified as a school for enuretics". Our note on the boys' classifying school was as follows:

"We did not see the system of classification at work because the boys were in camp. As we understood it, it appeared that every boy was retained for observation for an arbitrary period of two months. The Headmaster took the view that this length of time was required in every case. At the end of that time the boy was graded and sent to one of the Northern Schools which is fed from the classifying school."

Our evidence indicated that the intention of the scheme was to fit the boy to the right type of training, but that it has the effect in practice of changing the character of the schools, from mixed schools taking all boys within their age group, to schools specialising in a certain type of boy, e.g., the tough boy, the weak boy, the bright boy, the backward boy.

### Organisation

286. Some variations of the "House" system seem to have been generally adopted in the schools though in few cases do the buildings lend themselves readily to this kind of organisation. "Houses" might be based upon dormitories or be made up simply of aggregations of children, but were seldom composed of anything resembling a household in which small groups had meals and day rooms in common. The boys' classifying school had small groups of boys in hutments each looked after by a married member of the staff and his wife, but the huts were used for sleeping only and the boys worked and ate and played together. One exception was a girls' school where the girls were grouped in "families" of twelve each with its own "house mother". In most of the schools "houses" seemed to be regarded more as a useful basis for developing loyalties and friendly competition and for providing posts of leadership, than as an opportunity for the individual treatment of children. We came across no instance of genuine self-government. Prefects of houses were invariably appointed by the Head.

### Buildings

287. Most of the schools are handicapped to some extent by their buildings which have seldom been constructed for their present day purpose. They are often old industrial schools or reformatories, Local Authority Institutions, wartime groups of Government huts, adapted private houses, or country mansions of varying suitability. Many schools seemed to suffer from the fact that they were built without any purposeful design in line with modern ideas of upbringing and education. Some of the country houses, however, had the advantage of avoiding any suggestion of an institutional design foreign to the local community. The situation of the schools is of some interest since it affects in important ways the relation of the school to the local community. The fact that it has been necessary to rely for new schools upon buildings already available has meant that in some cases the site is an inconvenient one from the standpoint of the staff and the availability of local resources for teaching and recreation. In a few cases we thought the schools too isolated to be helpful either to staff or children, though it must be remembered that we saw them at a time when communication was of necessity infrequent. One of these was a large boys' school run by a religious community where we feared that the advantages of contact with the outside world were scarcely appreciated by the Brothers.

288. The most frequent defects were unsuitable or cramped indoor accommodation for leisure-time activities and large barrack-like dormitories. There seemed to have been more insistence on the physical well-being of the children than on individual development. In very few schools was there a quiet room for rest or reading. In one junior girls' school all the girls were obliged to play, read or write letters in one moderate sized room which possessed no easy chairs or comfortable furniture. Some of the dormitories in boys' schools seemed to us to contain too many beds, though from the health standards the dormitories were sufficiently large and well ventilated. The kitchens, dining rooms and sanitary arrangements which had often been adapted and modernised were nearly always satisfactory. There was nearly always a sick room for emergencies.

289. The following extracts from members' reports give illustrations of the various types of buildings.

### *Buildings of the old Reformatory, Industrial School or Poor Law type*

#### *Senior Boys School. Accommodation 140. Present 133.*

"This building was taken over from the Public Assistance authorities in 1936. It is situated on the fringe of an industrial area, but is in a fine position, overlooking a wide stretch of open country. There are extensive grounds for playing fields and a walled fruit and vegetable garden. The building, however, is a forbidding one, in large barrack-like blocks with a high surrounding wall and an institution type of entry archway. Workshops have been added to the original building. The living quarters are in one large block divided into two identical halves. There did not appear to be any living room other than the dining room, which is also used for recreation, and has a gallery and a cinema screen. There are tables for ten and bright cloths. Each of the two dormitories houses seventy boys in four long rows of beds. They are light and airy, but completely lacking in comfort or attractiveness. There is a sick room, but apparently no other room for rest or quiet. The long concrete-floored and tiled-wall corridors are dull and cold looking. Some effort has been made to brighten the rooms by paint and distemper. The place looked clean and polished."

#### *Converted Private Houses*

In many cases private houses, in spite of some inevitable disadvantages had been successfully converted and provided ample space in attractive buildings. Some were however inconvenient and seemed to have been an unfortunate choice. It should be remembered that the main pressure to open new schools occurred in war time with the obvious consequences of delayed alterations and redecoration. The following are examples of both kinds:

#### *Junior School for Boys. Accommodation for 136. Present 120.*

"This large, ornate Victorian building is situated in a park-like estate in remote country approached by narrow lanes. It is high up, and the much neglected garden is terraced, and stretches down to a lake. It was formerly used as a private mental hospital but there are no suggestions of restraint in the design of the building. The accommodation is adequate as regards space, but it did not appear to us present to be suitable for

its purpose. The dormitories vary in size from eight or ten beds to twenty-seven. There are adequate day rooms for ordinary purposes, but at present the only space for active indoor games is the dark entrance hall with shabby ornate decoration. The large room used for meals is rather crowded with small tables. There is a general lack of anything like homely comfort."

*Senior School for Boys. Accommodation for 75. Present about 72.*

"A large attractive country house, once a preparatory school, set in beautiful grounds with plenty of playing field space attached. To provide sufficient accommodation for the boys the house has been considerably extended and huts have been built or obtained for woodwork and metal work. There is also an attractive chapel. The bedrooms serve as dormitories. The whole place gave an appearance of homeliness in spite of the large number of boys catered for in it and made a very pleasant impression. There is a heated swimming bath."

*Intermediate School for Boys. Accommodation 120. Present 120.*

"A Jacobean country house set in 36 acres of garden and playing fields. Some of the staff live in cottages on the estate. Living and recreation rooms are excellent but a quiet room is badly needed and is to be provided. There is a beautiful dining hall with tables for six. The whole place was cheerful and attractive, the institutional atmosphere being tempered by architectural beauty and modernisation."

**Staff**

290. It is only possible to give a general picture of the staff in approved schools because we were only able to see a few members of staff in each school and had no opportunity to get to know them. We were, however, struck by the fact that the difficulty of shortage of staff appeared to be nothing like so serious in these schools as in local authority or voluntary Homes, possibly because they were largely staffed by qualified teachers. The quality and attitude of the staff must depend in these rather self-contained communities very largely upon the personality of the Head. On the whole we were very favourably impressed by the Headmasters and the Headmistresses of the Schools. In most cases they seemed admirably suited to their work and in only a few cases did they fall short of the standard which we would think desirable.

291. We much regretted the failure to appoint more women as matrons and assistant matrons on the staff of some of the boys' schools. In one senior boys' school the buildings looked dirty and the boys grubby and unkempt in the absence of the matron for a long period of sick leave. No substitute had been provided nor was there any other responsible woman member of the staff.

**Physical Care**

292. We thought the diet at most of the schools was very good. The guidance given by the Home Office on the subject has undoubtedly helped in maintaining a high standard. In only three schools did we feel any doubt whether the food was sufficiently "filling" for growing boys. Many schools grow their own vegetables and fruit and the children are allowed the provisions thus obtained as part of their diet. We were satisfied that full rations and milk were taken up. In one school we noticed that water was not served either during or before or after the meal. The food was for

the most part attractively served at small or medium sized tables with attractive cloths and often flowers. In a few cases benches were provided instead of chairs. We did not see any instances of enamel plates and mugs such as we found in some children's Homes. The children themselves usually had some responsibility for helping with service and clearing. In one senior boys' school where there are two dining rooms, one of which is presided over by one of the boys, we were told that the standard of manners and discipline was better than at the other in which a master presided.

**Medical Care**

293. The provision for medical care seemed excellent in almost every case. The children are medically examined when they come in and before they leave as a matter of routine. In all the schools we visited there was a regular surgery or arrangements for dealing with minor ailments or accidents, and either a trained nurse or a member of staff with some training or experience of nursing. We found some evidence that the dental care was not as regular as seemed necessary. At one senior boys' school the boys' teeth were noticeably uncared for and we were told that the dentist was able to come only occasionally. At a girls' school we were told of the delay in getting dental appointments. We saw several girls whose teeth needed attention. The delay seemed in these cases to be more prolonged than that falling to the ordinary population even in wartime.

**Clothing**

294. We made a special note of clothing, which was usually satisfactory in standard and sometimes in the girls' schools very good. It is of course easier to bring variety and individuality into girls' clothing. The fact that many of the boys were doing rough work meant that their clothes had to be of a hard wearing kind which naturally looked more shabby. Although it had been possible to avoid uniform which was in any way conspicuous, standard clothing was in fact used in most schools even for work. We found individual clothing throughout (even in underwear) at one girls' school.

**Occupation and Education**

295. The approved schools differ from the other establishments we have been describing in that the whole regime is intended to be remedial. It sets out to provide for the child who has in some way come to grief, a training which will enable him to take a normal place in society with other children of his age. It is natural therefore to find the daily programme closely planned with occupations designed to help the child to develop and fit into community life. It is an established fact that as compared with the country as a whole the approved school population contains an abnormally high proportion of boys and girls who are either of subnormal intelligence or seriously backward in school work for other reasons; the schools we visited were probably representative in this respect. We found these facts reflected in the school arrangements, which in general provided an education based so far as possible on a practical approach, and a programme of active and interesting employment outside school hours. As a rule education was within the school, though in a few instances, such as a junior girls' village school, the children went out to school. Where education was inside, the junior schools provided full-time teaching for a considerable proportion of their numbers, and the senior schools gave intensive schoolroom education for part of the time on the lines of a continuation school. In general we thought the standard of educational method did not fall below the standard outside and in one or two respects, such as the size of classes, the advantage was with the approved



schools. In all cases we saw the teachers had the recognised qualifications. In many of the senior schools the aim had been to combine vocational with general education and effort had been made to teach the boys history, geography, mathematics, etc., through their crafts. At a senior boys' school the following note was made:

"We were impressed by the variety of good trades available and by the way in which they are related to the boys' general education and put to use in and about the farm buildings. It was interesting to see the way in which the paint shop boys had decorated with mural designs the quarters of the women staff and their own dormitories."

296. Vocational training is a special feature in most of these schools and as far as we could judge the training in most instances reached a high standard. It seemed to us that the gardener, farmer or cabinet maker who was primarily a skilled man at his job was of special value to the children as an instructor, and those we saw seemed to be very successful in holding their interest. The following report illustrates the kind of vocational training given in the boys' schools.

#### *Senior Boys' School. Present 140 Boys.*

"The carpentry and cabinet making seemed to be of excellent standard. Furniture is made for other approved schools, but also smaller articles, such as wooden bowls. There is no undue shortage of materials. The metal shop appeared up-to-date, with electric machinery. There is a special instructor for interior decoration. Building and gardening is undertaken under skilled workmen."

#### *Short Term Senior Boys' School. Present 90.*

"The boys are divided up into four sections according to mental ability after the Vocational Guidance officer's test. Each class consists of about twenty-five. Many boys are backward in ordinary school subjects, and there is concentration on these on the morning of the school day, which is once a week. In the afternoons the project method has been followed, centring on the farm work in which many of the boys are being trained. We were shown project books which the boys were said to have worked out in groups. These contained studies, such as graphs of milk output for cows during the season, extracts from farming journals about various breeds of cows, their proper feeding, etc. The school room was posted with photographs of prize stock. The Schoolmaster was evidently aware of the value for the boys of working on a subject in which they could use their practical experience and their initiative. These boys also have gramophone concerts, including some classical music. At the time of our visit there were particulars of the life of Beethoven written up on the black-board."

Many other examples could be given but they would nearly all be taken from the boys' schools. From the samples of schools which we visited, it seemed that a much wider variety of vocational training is available to boys than to girls. Apart from a few schools with specialised training in dressmaking and tailoring and some with training in gardening the girls' training which we saw was largely of a domestic character. In one girls' school two specially trained domestic science teachers were employed and girls suitable for this type of training were selected for this school. In another, girls were placed in a Hostel attached to the school as soon as they could

be trusted and were sent out to factory work or higher education, a method of treatment which seemed to us excellent. But in most the vocational training seemed incidental to the work of the household rather than given with a plan for the future though we had no reason to suppose that it was not effective. In one school great resentment was expressed by the Headmistress on behalf of the girls, who had expected a vocational training which they did not receive. The occupations given to the children had value, as for example in a Junior Boys' School:

#### *Junior Boys' School. Accommodation 80.*

"The boys help with waiting and washing up. Small boys in white aprons were seen spreading bread and butter, helping in the kitchen and taking in staff meals. They appeared to be thoroughly enjoying themselves."

Both boys and girls helped with housework in all the schools we saw though not probably to any greater extent than the girls would have been expected to help at home. All the boys and girls seemed to be required to make their beds or fold their bedclothes on rising, an arrangement which allowed little or no time for the airing of bedclothes. The hours of sleep were certainly adequate. Senior boys rise from 6 to 6.15, juniors from 6.45 or 7. Bedtime is usually 8 to 8.30 p.m.

#### *Upbringing*

297. The provision for group activities in leisure time was nearly always good and very often excellent. The provision for the development of individual interests was much less satisfactory. It was unusual to find that the staff were interested in the particular bent of individual boys and girls. It is possible that this is due to a deliberate policy of social education based upon the opinion that delinquent or maladjusted boys and girls are particularly in need of the development of group loyalties. It may also be due to the fact that many of the children are dull in intelligence and perhaps lacking in initiative and independence. Many of the schools had good libraries of their own and most could have made use of the neighbouring public library. In very few cases however was this done.

298. The situation of some of the schools does not make for easy communication with neighbours and it could hardly be said of any schools we saw that the school life was closely bound up with that of the local community. Nevertheless the boys and girls in most of the schools do not lead isolated lives in self contained communities. Considerable freedom to come and go is found in many of the schools and this, in view of the behaviour of many boy and girls before admission, shows considerable enterprise and courage on the part of those responsible. There is a healthy absence of high walls except in a few old buildings, and locked doors are very rare.

299. We gained the impression that few of the children are kept in regular touch with their families by visits from relations. This is partly due to the system of classification by which children are sent to the schools at which they can get suitable education and training rather than to the schools in their own areas. We found, however, rather different attitudes on the part of the staff towards the visits of relatives so that it would appear that if a special point were made of getting into touch with relatives and welcoming them to the school the difficulties of distance might be overcome. This view was strengthened by the fact that in one school in a rather remote country district visits from relatives seemed to be more frequent than in other more easily accessible schools.

300. Holiday plans have of necessity been curtailed during the war but have now been resumed. Weekend leave was fairly general after a boy or girl had settled in the school and many went home for the holidays. This arrangement involved home inquiries in each case. In one school it was found that if a boy had no home he could go home with a friend if he could save the money or the friend's parents could afford to send it. In one of the schools permission to spend the holiday at home depends upon an elaborate mark system for good conduct. A pre-war custom in many of the boys schools had been to arrange a summer camp. A negative attitude to holidays was apparent in one girls' school where, when asked about sending the girls home, the Headmistress replied, "Impossible." The general practice is for the Head to see all incoming and outgoing letters.

301. There is a regular scale of pocket money approved by the Home Office but from what we were told the amount seemed to vary considerably from 1d. the lowest amount quoted for the youngest children, to 1s. 6d. A usual range was 3d. to 7s. To this there often appeared to be added spending money for expeditions, and relatives also sent money from time to time which the children were allowed to keep. Two girls' schools gave extra money for good behaviour and a senior boys' school for extra work done. Two boys schools reported keen savings groups. We found no school in which any special point was made of giving the children the opportunity of learning about the cost of necessities. None of them appeared to take a share in the purchase of their own clothes or of food.

302. The standard of personal appearance seemed on the whole sensible and good. For the most part the boys and girls looked reasonably neat and clean. In some cases we thought that there was too much concentration upon spit and polish and in one instance we felt that the precise symmetry in the arrangement of bed clothes and possessions in the dormitories indicated a somewhat military attitude. The standard in the girls schools was particularly good. The girls usually looked attractive and though there were strict rules against make-up such as are characteristic of any girls' boarding school there seemed to be no injunction against individual hair styles. There was very little provision for keeping personal possessions. It is true that in many of the schools individual lockers are provided, but the large dormitories and the bare playrooms seemed not to provide opportunities for collections of oddments, pictures and photographs such as children love to hoard. There seemed to be an unwritten law that there must be no unnecessary objects in bedrooms or dormitories and the exceptions to this were very few, and usually in girls' or junior schools.

#### Discipline

303. We did not find the discipline of approved schools much more severe than that of children's Homes, notwithstanding the fact that a large proportion of the children were there on account of delinquency. One example of excessive direction may be quoted:

*School for Junior Boys. Accommodation 128. Present 120.*

"The mealtime behaviour of these boys was one of the most depressing sights we have seen in any school. The boys were lined up and marched in and out. Signals were given by the member of the staff in charge to 'sit down', 'pour tea', 'stop pouring tea', 'begin to eat'. There was the same sort of excessive regimentation in force as the boys were preparing for physical training. The boys looked strained and unhappy."

We should assess the punishment given in most of the schools as harmless but of doubtful educational value. In a very few the punishment seemed well chosen and wise and in a very few harsh and excessive. The most

generally accepted method of discipline is based upon a system of marks for good or bad conduct as a result of which privileges are granted or withdrawn. On one school our visitors noted—

"A curious financial system of rewards and punishments was in operation, by which sinners were fined, so constituting a fund from which rewards were paid to saints."

A reasonable system is described in the following report—

*School for Senior Girls. Present 42.*

"Social education is based upon a merit system signified by coloured badges. If a newcomer does well she becomes an 'Intermediate' in three months and a 'Senior' in nine months, with special privileges, such as going out without members of staff to shop or to the cinema."

The system of marks seemed reduced to an absurdity when items of conduct of very different value gained the same credit or discredit. In one school for example we found that "very highly polished boots" was listed amongst the virtues.

304. It seemed to us that the use of corporal punishment was in some cases excessive. In one school the punishment book showed twelve entries a quarter; in another 34 in twelve months. The largest number of strokes we heard of was eight. Corporal punishment is seldom given to girls though permitted by the Rules. It seemed that, in some instances the staff had been defeated by the difficult behaviour of some adolescent girls and this led to some curious systems of punishment besides the more normal and usual ones of deprivations of privileges and early bed. For instance—

"At one time the girls were said to have been locked in their rooms for twenty-four hours and to have had restricted diet. This has been discontinued. Now the practice is to cut short the hair of the girl who absconds. If she absconds a second time, she is given an Eton crop, and if for the third time her head is shaved and she is dressed in a shapeless twill smock. I had a talk with a girl who had absconded three times and had been treated in this way. She was evidently disturbed about it, but did not seem bitter, and offered no complaints about undue punishment. Indeed she compared her treatment at this school with the much more strict handling she said she had had in a Remand Home, where she said that she had been locked in her room, had slept in a wooden bed without a mattress and been fed on bread and water after absconding from a hospital at which she had been receiving treatment. This girl certainly looked a very sorry sight, with front teeth missing (from recent extractions) a sack-like garment, and closely cropped hair."

It is interesting to note that the Home Office Inspector had expressed disapproval of this form of punishment when she visited shortly after we had been at the school. Other penalties were loss of pocket money or privileges (junior girls) dancing stopped (senior girls) smoking and outings stopped (senior boys).

305. The methods of dealing with problems of behaviour of a really troublesome kind varied a good deal. One major problem in many schools was absconding and this seemed to be true of schools of varying standard. The quality of the staff may have an effect or the presence of a particularly difficult child, but the main explanation is no doubt that the children are there under an order of the Court and against their will.

306. We had evidence from some schools that disturbances had sometimes been due to the admission of boys and girls of a seriously unstable type. For example in a junior girls' school of high standard with a population of

fifty girls six had been admitted to the local mental hospital in the past three months and six had been certified as defective. The delay in removing the defective girls had been due to shortage of accommodation in Institutions for Mental Defectives. In another Girls School (42 Juniors) eight girls had been certified as mentally defective in three years and two had been certified as suffering from mental disorder. Another problem often mentioned to us was that of enuresis and the information which we obtained may only give a partial picture. We did however form the opinion that some of the schools were not sufficiently alive to the need for medical and psychological advice about problems of this kind. The extent of the problem in one Junior Boys School where accurate records had been kept, seemed very excessive even in comparison with children in other types of institutions where the incidence is known to be high.

#### Religious Care

307. With a few exceptions the schools arranged for daily morning prayers as a community; many had their own chapels on the premises and we were told that great pride was taken in them and that they were shown off to parents and visitors. The schools have their own visiting chaplains. There is evidence of close co-operation with local Churches. We thought it might have been possible to use Sunday to greater advantage for the purpose of providing stimulus and enjoyment.

#### General Impression of the Children

308. In the majority of the schools we were well impressed by the appearance and behaviour of the children and by such relations between staff and children as we could observe. We have noted a few cases in which the attitude of the children and the staff caused us concern but we wish to emphasise that these cases were rare in our experience and did not detract from our opinion that the policy of the Home Office as carried out in the schools is enlightened and progressive. Our notes give ample evidence of schools in which boys and girls seemed to be thriving mentally and physically. The following are examples of what we saw.

##### Senior Boys' School.

"There was no awkwardness in the presence of staff or visitors. There was less noise, talking and laughing (for example at tea) than one would expect in an ordinary boarding school for boys of this age, but there certainly did not seem to be undue stiffness or restraint."

##### Senior Girls' School.

"There was evidently no 'silent rule' at work. The girls were chatting and singing cheerfully as they went about their jobs, and did not seem unduly concentrated or bored. They seemed to think it natural to come and chat with visitors at the front door, and were left without supervision whilst we were talking with the member of staff on duty."

##### Junior Girls' School.

"They all looked happy and well occupied. They seemed physically fit and well-developed, and they also looked more lively and alert than might be expected of children of dull intelligence."

##### Junior Boys' School.

"They looked physically well and alert. The majority appeared reasonably self-possessed. There was no standing on the entry of visitors, and no undue attention paid to them. They talked naturally when spoken to and seemed to respond to a joke or mild teasing from the Headmaster."

#### Employment and After Care

309. During the war a scheme has been set up which is, we understand, at present under review, for the appointment of welfare (after-care) officers to some schools, who make themselves responsible for the after-care of boys from a group of schools. The most usual plan in the boys' schools seemed to be to share the choice of employment and after-care between the school staff or the welfare officer and one of the local agents, the local authority, or the probation officer. The basis upon which the responsibility is divided appears to be whether the boys turn out to be suitable for employment in the area in an occupation for which the school is undertaking training—notably farming. In such cases there seems an obvious advantage in the personal contact which the school is able to maintain with local people, and in some areas there was evidently a long-standing tradition of employing boys from the school. It seemed to us from what we were told, that the boys entered a fairly wide range of employment, and that in some of the schools considerable trouble was taken to fit the boy to the career for which he was suited, though we did not get enough information to show how far his technical education led to appropriate skilled employment. In one senior boys' school the local authority vocational guidance officer carried out tests on a basis of which boys from this area are assigned to the training for which they appear to be fitted. Two months before the boy's release, reports on his progress are sent to the after-care department of the local authority and employment is sought for him. Their supervision is then carried out by the approved schools after-care sub-committee of the local authority. This plan sounds a satisfactory one, but a disappointing feature was that the information so carefully obtained was not used. Social workers were very critical indeed of the way in which it worked out in practice. They said that the actual visits were carried out by volunteers and that they acted not upon the reports which came back from the approved school but upon an index card which contained no information except the name and address of the boy and the approved school from which he had been discharged.

310. One school showed a list of employments which included farming, hotel domestic service, carpentry, mechanics, garage hands, gardeners. School magazines, giving news of old boys, show a variety of careers, including of course a large number of boys in the Forces. A list taken from one such magazine refers to boys' employment in drapery, farming, brewery, fish-curing, engineering, garage work, sheet metal work, building, sawyers mate, collier, shoe factory, ship-building, poultry farming, baking, dairy work, cobbling and welding.

311. Owing to the fact that welfare officers had not been appointed for the girls' schools, the responsibility for after-care rests necessarily with the staff and with local probation officers. In the case of voluntary schools further assistance may be given by the headquarters staff of the organisation. Considerable trouble was evidently taken by the staff of some of the schools. We gained the impression that this work added a serious burden to those who already had their hands full with the responsibility of caring for the girls at the school.

312. In some schools continued contact with boys who have left is a matter of special interest and pride. In one of the schools we were told that there are almost always some old boys back at week-ends, and that they often bring their wives or fiancées.

#### REMAND HOMES

313. We visited 55 remand homes in England and Wales. As we have already pointed out in connection with other homes, the amount of information which can be obtained from a single visit is limited; a single visit to



remand home is peculiarly unsatisfactory because of the rapidly changing nature of the population and the impossibility of assessing on any one day the general standard of the home. We were, however, able to see some samples of problems which are known to be of common occurrence in remand homes and to discuss with the staff their ideas about some of these problems. Remand homes were under great strain during the war. They are intended to function as places of no more than temporary lodgment but the heavy increase in the number of offenders and the difficulties in obtaining buildings and staff for approved schools, mental deficiency institutions, special schools under the Education Act and foster parents entailed long periods of waiting in remand homes. Our visits were paid over a period of fifteen months during which the situation was improving, largely on account of some lessening of the difficulties in providing accommodation and partly of some lessening of the demand for accommodation. We understand that the general position is continuing to improve. As, however, it will be many months at least before conditions become normal we think it may be useful to place on record our notes of the conditions as we found them. Remand homes are of three kinds:—those managed directly by the local authorities, those managed by private persons (e.g., retired police officers, probation officers, etc.) and subsidised by the local authority, and homes managed by voluntary organisations which serve as remand homes and to which the local authority pays a capitation fee or makes some other contribution for remand cases. Some of the Homes described in paragraphs 225-271 were taking remand cases under this arrangement.

#### Administration

314. Remand homes managed by local authorities are usually administered by a sub-committee of the Education Committee; in a few cases there is a special committee of management. Several superintendents of homes which we visited commented upon the lack of interest taken by the sub-committees and one said that neither the members of the Committee nor visitors appointed by them under the Statutory Rules nor any of the Justices had ever visited the Home. Voluntary homes used as remand homes are often those maintained by committees of Moral Welfare Associations or similar bodies as shelters for girls and women or in some cases for boys who need some form of temporary lodging and assistance. Except for the capitation fee paid by the local authority for remand cases these Homes are maintained entirely from charitable funds, and are often hard put to it to make both ends meet. They are managed by local committees of the Association and the local authority has little or no say in the arrangements. The fluctuation in numbers and the irregular periods of stay prevent the local authority from insisting on any special standard and in any case to do so would in many cases be beyond the resources of the Association or would mean that this standard could be maintained only at the expense of the other work of the Association. The capitation fees at the homes which we visited varied from 5s. to 10s. a day.

#### Homes Run by Voluntary Associations

315. The use of Homes managed by voluntary organisations has been necessary in the past because of the small number of girls who have been remanded compared with boys and the way in which they have been spread out over the areas. Only the largest remand homes have been able to take both boys and girls and among those we saw only one receiving both sexes. To maintain a remand home for girls only would either involve many local authorities in a heavy expense or would involve long journeys if the Homes were to be large enough to justify the employment of qualified staff. The arrangement had consequently come into being, of which we saw several examples, by which

the one or two remanded girls were received at the local voluntary shelter as their cases occurred. We found many of the problems with which remand homes are faced sharply accentuated in the voluntary homes which were handicapped by shortage of funds, in the provision of adequate staff, the size of premises and grounds, the occupations and education available. In spite of these handicaps many such Homes did excellent work with the remand girls but some which we saw were able to provide little if anything in the way of a planned régime.

#### Length of Stay

316. The period of stay in remand homes varies from a week or two for further enquiries including a medical report, to a period of months while arrangements for placement are made. Far the larger number of the children we saw were awaiting placement and it was plain from our discussions with the staff that the long periods spent by some children in remand homes had caused considerable anxiety. The children who remained for long periods fell into three groups as follows:

##### (1) *Awaiting vacancies in Approved Schools.*

A number of homes complained of long periods of waiting for vacancies in Approved Schools. In one voluntary girls' Home visited in June, 1945, accommodating ten, six girls had had periods of waiting as follows:—One: 5 months; two: 6 months; two: 7 months; one: 8 months. In one local authority boys' Home we were told that many boys had been held up for six months or more. In a voluntary Home thirteen out of a population of thirty girls had been awaiting transfer to an Approved School.

##### (2) *Awaiting vacancies in Mental Deficiency Institutions or Residential Special Schools.*

Several Homes complained of this problem. In one boys' Home out of a total population of seventeen, two were waiting for vacancies in Approved Schools and fourteen for vacancies in Residential Special Schools.

##### (3) *Awaiting Boarding Out.*

In this category also children seemed to have waited a considerable time for placement. We found one girl in a voluntary Home who had been waiting for eight months. These were children committed to the local authority as a "fit person" and retained for the time being in the remand home with the consent of the Home Secretary. It will be apparent that in any home the difficulty of providing a satisfactory life for two or more of these categories at the same time, and at the same time as the children who are remanded only for a week or two must be very great.

#### Physical Care

317. In a number of homes we were impressed by the appearance of the children, by the varied and plentiful diet and by the sensible type of clothes provided. In the local authority homes the premises were usually adequate and sometimes very good, with plenty of ground round the home for occupations and games and the value of this was pointed out by one Superintendent who asked for more ground. The provision was usually less good in the voluntary homes for reasons which have already been pointed out. In one or two homes the sanitary arrangements were deficient. In one local authority home for boys we noted "seriously unsatisfactory lavatories and baths. The provision was insufficient in view of the fact that very dirty boys were admitted, sometimes in the middle of the night."

318. Problems of medical care were fairly common in the girls' homes and in one or two we found some cause for anxiety. In the smaller voluntary homes there was seldom proper provision for the separation and medical care of girls who are or may be suffering from venereal disease; one such Home was badly overcrowded and as it sometimes received verminous girls as well as girls who may have been infected, it seemed that there might be real medical risks in remanding girls to it. For example:

"The building, flush with the main road leading into the town, and with only a very small back yard for recreation, is antiquated and inconvenient, some of its appointments being most primitive. There is, for example, only one bath, covered in, in the scullery. The drying and ironing room is very small, immediately under the roof and badly ventilated. There is no play-room, and we were told that a basement which had been used as an air-raid shelter, and is badly lit and ventilated was being considered for conversion, though it seemed to us quite unsuitable. The small bedrooms were quite pleasingly arranged. The accommodation seemed particularly unsatisfactory, since girls were held here pending the results of examination for venereal disease and during treatment, and the girls of school age were not going out to school."

#### Education and Occupation

319. It was not the usual practice to send the school age children to local schools during their period in the local authority Homes. Where education was given within the Home, a far heavier burden fell upon the staff in any time of shortage and education was inevitably the first thing to be neglected. Some local authorities met the difficulty of education within the Home by providing a visiting teacher but if for any reason the teacher gave up, the responsibility for maintaining some form of education fell back on to the staff of the Home. One Home for boys which had depended on a visiting teacher had had no real education since the teacher left seven months before our visit; in another no provision at all had been made for education, and in one or two where teaching was given there was no qualified teacher on the staff. In these Homes and in others in which education was interrupted or irregular because of staff difficulties, backward children held for long periods must have been at a serious disadvantage since they could ill afford to be deprived of normal educational opportunity.

320. In some voluntary Homes the children were sent out to school. In a few Homes we came across children whose education we thought was insufficiently provided for and in one Home where school age children had been held for many months at a time no provision had been made for education. The Matron had attempted to give them a little work from an "object lesson book". But she was obviously not able to spare the time for regular lessons. She had herself been troubled about the lack of provision for education.

321. The difficulty of providing full and varied occupation for boys and girls over school age appeared to be even greater than that of providing class room education. In most of the Homes domestic work occupied a considerable amount of the time and in a few it seemed to be almost the only occupation. For those boys and girls who stayed for a long period the life must have become increasingly monotonous and lacking in purpose and educational value. At one local authority remand home for girls we found the only inmate, a girl of fifteen, sitting in the kitchen bored and moody watching the woman in charge of her at her domestic work. In a voluntary home the girls did all the less interesting domestic work and had occasional classes from the

Superintendent when she had time to take them. After two months they must have been very bored: most of them had been staying for nine months at that date. At this Home full rations were not taken up. In contrast to these Homes were others in which the day was filled with interesting and educational occupations and care had been taken to introduce varied activities by enlisting the aid of visiting teachers and social workers.

*Local authority Home for Girls. Accommodation for twelve. Present nine.*

"Classes are arranged on several evenings of the week—e.g. "Hygiene" (starting from the subject of beauty culture and the proper care of skin and feet), needlework, and "keep-fit" classes. A group of girls seen in the evening were playing with the gramophone, knitting wool rugs, embroidering, writing letters and chatting together. The girls go out on long walks and picnics with the staff, and sometimes to the pictures. Housework is certainly not excessive here."

*Voluntary Home for Girls. Accommodation eleven. Present eleven, of whom nine were on remand.*

"At this Home there was an excellent time table of educational and recreational pursuits. The girls were kept interested and occupied with classes in the evening, domestic work, walks and games, music, dancing and gardening. A striking feature was the large share taken in neighbourhood activities. The girls not only went out to meals and meetings in the district, but invited A.T.S. girls and others to the Home. On Victory day they had gone to Church at their own request, had a fancy dress dance and in the evening a bonfire. There was a pleasant garden for games and the girls went to the pictures once a week."

It must be remembered that the mixture of ages and types found in the average remand home precludes, except in the larger Homes, adequate skilled instruction. The best that can be done is often so limited, because of the poor intelligence of most of the children, that the better endowed are left unprovided for.

#### Discipline

322. The problem of the mixture of children also affects discipline. Wherever we went a great deal was said about classification. It appeared to be generally felt that the usual arrangement by which a remand home received boys of all ages and girls of all ages from eight to seventeen was wrong and that much greater provision should be made for the segregation of certain moral types than was usually done as well as for those children who were infectious medically. We were not able to form an opinion about the necessity for segregation especially in terms of age but we thought that disciplinary problems were bound to occur where children of all ages were kept together for considerable periods. We heard of two instances of what we regarded as harsh discipline. It must, however, be remembered that in single visits of this kind it is only possible to judge of the methods used from what we were told by members of the staff, or from what we inferred from their attitudes and apparent relationships with the children. The most usual methods of discipline appeared to be sending the children to bed, and depriving them of outings, pocket money and other privileges. In some homes corporal punishment is used. Particulars of such punishment are entered in books inspected by the Home Office. Quarterly returns are made to the department.

## Difficult Children

323. As far as we could judge the treatment of difficult children was in most cases sensible and kindly. The understaffing of most of the Homes accentuated this problem and several members of staff expressed concern about the responsibility which they were expected to undertake with little or no assistance. Absconding had occurred in several homes, but in others, where considerable freedom was given, less trouble had arisen than might have been expected. In some of the homes, particularly those catering for girls, the activities of the girls outside the home were very limited, partly because of apprehension about absconding. In one or two instances we thought that the girls did not get enough fresh air and exercise during the prolonged periods of residence which have already been described. The majority of the members of the staff to whom we talked had gained whatever knowledge they had of unstable children through their own experience. One or two of them were in touch with local Child Guidance Clinics.

## Staff

324. Almost all the homes were understaffed and some seriously so. In one local authority home for boys the Superintendent and his wife had no assistance or domestic help and the Superintendent who was a qualified teacher was also responsible for education within the home. Of this home it was reported that the house was not clean and the boys' clothes were very dirty. With the usual mixed population of a remand home an intolerable burden must have been placed on this couple. A local authority Home for 24 boys aged 8 to 16 had as staff, Superintendent, Matron, domestic assistant and night man who also acted as relief. Since it was at this home that all arrangements for education had broken down the Superintendent must have been entirely responsible for the provision of occupation with very inadequate assistance. We found that in the local authority homes we visited the majority of male Superintendents had teaching and the women nursing qualifications; but some were qualified only by experience. Many other members of staff were qualified by experience in remand or other homes. In a number of cases the staff was supplemented by untrained and inexperienced workers who were the best which could be found, and could be relied upon for nothing more than "keeping an eye on the children". In the voluntary homes for girls the staff had usually been trained under Moral Welfare auspices often with nursing or teaching training in addition. In these homes staff was often very short in proportion to the number of girls with whom they might have to deal.

## HOMES AND INSTITUTIONS FOR HANDICAPPED CHILDREN

### (a) MENTALLY ILL OR DEFECTIVE CHILDREN

325. Evidence from local authorities, social workers, and members of the staffs of children's Homes and schools frequently stressed the lack of suitable accommodation for mentally disturbed, unstable, defective and epileptic children and the problems this occasioned, particularly when delinquency or excessively difficult behaviour is associated with some mental handicap. An example given was of a delinquent epileptic, discharged from an epileptic colony as difficult and from an approved school as epileptic; no satisfactory means of dealing with him had been found over a period of six years. Witnesses also stated that the admission of mentally disturbed children to mental hospitals usually involved their close association with adults whose symptoms were often of a distressing nature.

326. One of our members visited five mental hospitals and found in them 21 boys and girls under the age of 16 living with adults in wards and dayrooms. While there was no reason to doubt that they were being adequately cared for, the conditions seen, as well as discussions with the medical and nursing staff, gave point to the difficulties stressed by witnesses in this matter, viz., that special provision for mentally disordered children is urgently needed.

## Institutions and Homes for the Mentally Defective (including Residential Special Schools)

327. Fourteen of these were visited, 9 under local authority and 5 under voluntary management. All the Local Authority establishments and the majority of the voluntary Homes had local committees, consisting usually of interested members who were actively concerned in the well-being and proper care of the patients, as well as with the administration of the institution, though exclusive concern with the latter was commented on in a few instances. All were certified or approved by the Board of Control for the reception of Certified Mental Defectives and, with one exception, all took adults as well as children. Admission and discharge of patients is regulated by the Mental Deficiency and Education Acts. Because of the nature of the problem, a large proportion of the children dealt with are received from areas outside those of their homes. We were disquieted about the conditions in one privately run establishment for retarded children and by the fact that children in the care of Public Assistance authorities had been sent there after an adverse report had been made. While we are aware that the care, training and education of mentally defective children is a matter requiring expert knowledge, we feel that our observations and discussions during the visits justify comment on certain points:

## Accommodation

328. This was very satisfactory in some of the Homes seen, but the following illustrations show the great variation in standard:

*Local authority institution for 50 boys and 50 girls, together with a larger number of adults: Mental Deficiency Act cases only.*

"This building consists of an old work-house of scattered two storey buildings on the outskirts of a village in a high position. It was taken over by the Mental Deficiency Authority some ten years ago, and to the old stone buildings there have been added a number of modern brick houses accommodating about forty. There are two villas for children, one for boys and one for girls. In addition there is a small block for low grade children and cot cases. The houses, both more recently built than the main building, are well designed, spacious, widely separated and with ample grounds. Each house has a large room on the ground floor, with porch access to the garden, used both as a dining room and as a play room. There is in addition a smaller playroom. The playrooms contain jungle jims and push and pull toys, the composition floor being admirable for running about. The sleeping rooms contain about ten beds, well-spaced, with through ventilation. The beds, which are well sprung, are covered with bright green spreads which match the curtains. There are lockers for the children's own possessions between the beds, and poster pictures on the walls. The dining room contains small tables seating not more than six children. There are flowers on the tables. The food is cooked in a central kitchen and taken in thermostat containers to the various houses. On the ground floor of each house is a washing room with hand-basins served with hot and cold water, and foot baths. Water closets divided by low wooden walls lead off the washing room and are adequate in number. There are three baths to forty children, which can be divided



by screens. There is a good hot cupboard for drying outdoor clothing. There is an isolation room near the dormitories. The whole place seems well cared for. It is light and attractive."

*Voluntary Home accommodating thirty patients.*

"... the whole 'School' of twenty or thirty children was crowded into one comparatively small room, seated round a table.... Some of them were occupied with a few toys, but most of them were just passing the time in general hub-bub."

A local authority Home for 14 educable mentally deficient children seemed unnecessarily cramped in its accommodation. The living rooms were few and dark, the bedrooms rather better, the kitchen dark and neglected with ragged oilcloth on the table. There was only one bath for 14 boys in a home in which frequency of bathing is obviously desirable. There was no sign of comfort, little decoration and no pictures in the playroom.

**Staff Numbers**

329. There was acute shortage of staff according to their own standards in seven out of eight of these institutions, and in the eighth the staff establishment was considerably below its normal level. This is evidently a problem of great seriousness in the mental deficiency institutions at the present time, and affects both the local authority and the voluntary homes. The ratio of patients to staff varied from 16 to 1 to 7 to 1. Considering the fact that the attention needed is for the most part at least equal to that required for young children the staff in many of the homes is inadequate. The position was stated to us in strong terms by those who showed us around the institutions.

For example:

*Local Authority institution for 550 adults and children. Full staff establishment, 56. Staff at present 36.*

"They have never had a full staff in this part of the institution. They are so short-handed at the main building that cooking has to be undertaken in the villas, and the matron herself has had to undertake the cooking recently, and had just cooked the Sunday dinner on the day of our visit. The Nurses' House has had to be closed because of shortage of staff."

*Local Authority institution for 98 adults and children. Full staff establishment, eight nurses and one laundress. Now five nurses.*

"When I arrived the Matron was cooking the staff dinner as there are no cooks, though the establishment provides for three."

*Voluntary institution for 750 adults and children. Forty-five nursing staff needed. Present 24.*

"The regulation hours of 48 a week have had to be considerably extended, and domestic staff is almost entirely lacking. This is made more serious by the fact that the Institution includes a block for 40 morally defective women. There is not enough staff to have a night nurse on duty, and there has been a serious problem with absconding, which takes the Matron off her other duties, including the care of the children."

**Qualifications of Staff (excluding Teaching Staff)**

330. Some of these institutions were in the charge of resident Medical Superintendents, others were managed by Matrons who are State Registered Nurses without mental training. In two of the institutions, apart from the Medical Superintendent and the Matron, none of the staff was trained, although in one of them, the Nurses were working for their Mental Nursing qualification.

In several of the others, of which we were given particulars, only a small proportion of the nursing staff was trained. In one home which we regarded as under-staffed, four out of six members of staff were trained as general and/or mental nurses.

**Physical Care of Children**

331. We thought the physical care of these children very good in ten of these Homes, fair in two and really poor in two. The following are comments from reports of visits.

"The children were seen at tea, and looked brown and well and beautifully clothed, particularly the girls."

"The children are happy, well nourished and well cared for."

"The institution is said to be 'full to over-flowing,' and this combined with shortage of staff means that much less individual attention is given than should be given, and that the sleeping accommodation is inadequate. The dayroom for low grade patients has had to be scrapped to make room. There are six extra beds in each dormitory, thus going beyond the approved health regulations."

"The dormitories contain about thirty beds in the high grade block. In the low grade block there were twenty-nine beds in rooms which should hold twenty-five and in one room a mattress was on the floor because of shortage of beds. On the beds in September there was only one blanket. The sheets and pillow cases on some of the beds were so much patched that there seemed very little of the original left. The central heating is said not to work very well, and the rooms to be very cold in the winter."

"In the central building where the high grade children sleep, there are about fifty girls to one bath, and baths are only possible once a week, though there is said to be plenty of hot water, and a strip wash is given once a day."

**Occupation, Education and Training of the Children**

332. Distinction must here be made between the institutions catering for educable children and those caring only for children certified under the Mental Deficiency Acts. It should, however, be remembered that amongst the children certified under the Mental Deficiency Acts are some who have been excluded from school as detrimental to other children, or because of "special circumstances," and that these children may be of higher grade in mental development, though difficult in their behaviour.

333. Taking institutions for children not regarded as educable first, it was clear that there were wide differences of standard in occupation and training even in the four institutions which fell into this category. As an example of imaginative care and training, the following description is given:

*Local Authority institution for adults and children. Present about 100 boys and girls of under sixteen—Mental Deficiency Act cases only.*

"Although this institution is not for so called 'educable' mental defectives, there are at present twenty-eight here who are regarded as educable. Because of this group there is a 'school' in the Colony. The school room is small attractive room in one of the old buildings. It contains small desks, a piano, low slates and mirrors, so that the children can watch their own movements. The garden has good swings, and a sandpit. Inside is a well worn jungle gym. There are Scouts, and in peace-time, Guides, and the staff seem to welcome this as of educational value. The girls belonging to the Guides have a special dormitory. In the past holidays have occasionally been arranged through the Central Association for Mental

Welfare holiday homes, but not since the war. There is a break for school holidays and picnics are arranged. The children had gone on a picnic on the day of our visit. Personal possessions were provided for in the dormitory lockers. Some of the older girls go out to work, and they live in a separate part of one of the houses. They are allowed personal possessions on their dressing tables, and a special point was made of making these rooms seem homely for them."

At a Home for eighty mentally deficient girls, aged 14 and over, run as part of a Convent we saw an excellent example of what can be done by care and enterprise. These girls varied very greatly in degree of efficiency from an idiot who could do nothing but sit and be fed, to girls who were undertaking embroidery of good standard, leather work, rug-making, dressmaking, and a large variety of other crafts. These girls frequently acted in plays prepared by the Sisters and thoroughly enjoyed it—some we were told had undoubted talent. There was a cinematograph in the Home. In this Home the rooms were painted in bright colours (some of the painting was done by the girls and we saw some of them painting some bathrooms), flowers and floral china were provided; the girls made bath mats and rugs for bedrooms and patchwork quilts for the beds and bright nightdress cases. There were plenty of pictures and pretty curtains everywhere. Compared with the surroundings of many of the children described in earlier parts of this report this Home was outstanding in its effort to provide a happy place for these unfortunate girls. In contrast to this we could again quote the voluntary home in which, apart from domestic work, there seemed to be nothing whatever for the children to do, and in which the difficulties of mixed ages must be insuperable.

*Voluntary home, housing seventy patients aged 5 to 54 years—Mental Deficiency Act cases only.*

"All the children were described as ineducable. I understand, however, that there used to be a teacher for these children but that she was not replaced when she left. The Matron told me that she was quite satisfied that a teacher was necessary but it was quite impossible to get one.

Unfortunately we did not see the classes at work in any of the institutions providing Special Schools for educationally sub-normal children, but we were able to get some idea of the educational staff and of the variety of occupations given to the children. We were well impressed with the appearance of some of the classrooms and with what we heard about the methods of education used. For example:

*School run by Voluntary Committee for retarded children.*

"Both class teaching and provision for recreation were on admirable lines. The boys built their own paddling pool and made hutches for their pet rabbits. The outdoor occupations would have been excellent for any type of boy."

#### Outside Contacts, Holidays, etc.

334. There are obvious difficulties in keeping these children in touch with life outside the institution. Many have no hope of returning to ordinary life even when admitted as educable under the Education Act. It spoke well for their attitude towards the care of children that the staff in some of the homes went to considerable trouble to take them outside the grounds, and even to give them some responsibility for work outside when they

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reached working age. This kind of arrangement seemed to be particularly good in five of the local authority homes and in marked contrast to three other homes two of them under voluntary auspices. For example:

*Local Authority Institutions for 320 boys and girls in Special School.*

"There is probably more attempt to encourage responsibility by allowing the boys outside the premises than there is in most homes of this type. At the present time some boys are doing paper rounds in the neighbourhood and some friendships are made in this way. Boys are allowed to go in small groups into the town to the cinema, etc. This occasionally leads to absconding but the boys sometimes come back of their own accord and in any case absconding is not considered as a serious problem. There are football and cricket teams and these compete keenly with other teams, generally meeting on a field at the Colony."

*Local Authority Home for 25 boys and girls.*

"The home has its own company of cubs. The children attend outside cinemas and go for country walks and picnics."

These homes usually run their own Scout and Guide troops in peace time. Several homes arranged holidays away in normal times at special holiday homes catering for defective children. One voluntary institution seen possessed its own holiday home.

#### After Care

335. Some of the children leaving these institutions go out on licence, some are transferred to other forms of community care such as statutory supervision or guardianship and some are discharged to their parents. It was estimated in one residential school that 5 per cent. of the children were discharged at 16. In another the estimate was 1 per cent. It has already been stated that a few of the older boys and girls go out to work from the institution itself; some of the girls to domestic service, and some of the boys to newspaper rounds. These plans appeared to work quite well.

336. In connection with one of the old established voluntary colonies, there are several hostels, two for girls and women about to go out on licence, who may undertake domestic work in the neighbourhood; another for men undertaking agricultural work. We did not visit these hostels, and we are not sure how far the ages of the patients for whom these arrangements were made brought them within our terms of reference. One local authority had a similar hostel for girls. We came across no instance of a member of the staff undertaking responsibility for supervision of the boys and girls who left, though doubtless some of the Medical Superintendents and matrons keep in friendly touch with them. The more usual plan is for the children to be returned to the supervision of the social worker employed for this purpose by the Local Authority in the area from which they came.

#### (b) PHYSICALLY HANDICAPPED CHILDREN

337. We visited five hospitals for long stay cases (mainly orthopaedic or heart) (one of which was closed to visitors because of an epidemic), two Institutions for deaf and dumb children, two sanatorium schools for children, two crippled children's homes, three Homes for blind babies, and a home of recovery for sick children, at all of which deprived children were taken. The purpose of our visits was not to assess the medical care, for few of us would have been competent to judge this, but to estimate as well as we could the



conditions under which many of the children spent long years of their childhood and the sort of occupations, interests and contacts which were provided for them. In so far as the hospital or Home had for long periods to take the place of the natural home, we were anxious to see how far it was able to supply any substitute for the part played by family care in the child's development.

#### Organisation and Administration

338. The hospitals which we visited were run by their own committee or board and we were told more than once of the interest taken by the committee in the work of the hospital. The Homes for crippled children and for deaf and dumb children were all run by voluntary organisations or committees carrying out the terms of special trusts. The Home of recovery was run by a small local committee whose keenness was evident in the exceptionally pleasant atmosphere of the Home.

339. We did not ascertain the exact length of stay of any of the children whom we saw in the various institutions. In the orthopaedic hospitals the stay was generally for at least a year, often for many years. In the deaf and dumb homes the children spent most of their childhood as they did often in the cripple homes. In the Home for the blind they remained only for a year or two before transfer. The Home of recovery took children for periods up to two years.

#### Orthopaedic Hospitals

340. We were well impressed by the physical comfort and surroundings of the children. Two of the buildings were modern hospitals, one with a separate block for children who were in a ward from which beds could easily be wheeled on to a verandah. Another hospital intended only for children was set in pleasant grounds which could be seen from the wards and verandahs. It was unusual to see any attempts to make the ward attractive to children by means of curtains, paint or other decoration.

341. Qualified teachers conduct classes in all the hospitals which we saw. A nursery school teacher takes the children under 5 and other teachers take the various wards. The ratio of teachers to children is high (about 1 : 10) but it must be remembered that only a few of the children can be taught at tables and many cannot leave their beds. On the whole, the education given seemed real schooling and not a means of occupation. In a smaller hospital catering for sixteen children, a teacher from the Local Education Department attended daily for two hours in the morning and one hour in the afternoon. Most of the children were inactive, so that teaching would have to be done at the bedside. In two hospitals the occupations provided for the children's leisure seemed good and varied as the following notes show:

"The children were in their cots and had ample play material and seemed to be very happy . . . the staff seemed to be genuinely kind people and to take a great interest in the care of the children from the well-being point of view as well as from the treatment point of view. The children who are lying in bed at rather awkward angles seem to be kept occupied. There was a very happy atmosphere about the whole place. They had plenty of toys and the Matron knew each of them by name and they greeted her very keenly. The Matron is evidently a lover of children and she evidently inspires this in the nurses . . . There is a good library, and any older boy or girl who wants any other type of educational book can get it from the Central Library. The nurses take a great interest in the children, quite apart from their treatment. This is probably because such an interest is encouraged by the Matron and the doctors. Voluntary

workers visit the hospital to take the children out in wheel chairs. Local Toc H arranges entertainments in the wards every Wednesday afternoon . . . The children's birthdays are always kept, and they have birthday parties and presents."

In the other hospitals we were less satisfied with the arrangements made for interesting occupation and friendly relationships, though it may have been that we visited at an unfortunate time of day. One example may be given:

"We called at about four o'clock in the afternoon. The children were lying on their beds, mostly awake. One or two had picture books or dolls, but others had nothing and looked bored. A young nurse was in charge and did not seem much interested in discussing the welfare or occupations of the children. It seemed that these children had little of occupational or social interest after the teacher left at three o'clock in the afternoon, though most of them appeared well enough to need this. We were told that there were two occupational therapists in the hospital, but that they did not have anything to do with the children who were receiving education. The parents are allowed to visit once a week, and more often if a child is very ill. In special circumstances, such as the leave of Service fathers, more frequent visits are allowed."

#### Homes for Deaf and Dumb Children

342. One of the two institutions for deaf and dumb children which housed 80 boys and 70 girls aged three to sixteen sent by Education authorities from all parts of the country, was run by a sisterhood. The staff of sisters and technical instructors numbered forty, some of whom were old pupils. The speech training and general education given here seemed to us careful and thorough; the children were obviously keen to learn and the staff devoted and cheerful. At the other institution the classrooms round a central hall were designed for ten or twelve. Both these institutions were large and barrack-like in appearance and old fashioned in furnishings, though both were set in beautiful grounds. The rooms at the first were very comfortable and bare with forms for seats and little in the way of decoration. At the Convent the rooms were very bright and clean and it was pleasant to find a toy on the bed of each child in the dormitories for younger children. There was a very happy atmosphere in this place, but we regretted that this group of children, already so isolated from other children and from the world, could not be housed in more modern buildings with a more homelike and comfortable appearance. When it is remembered that these children spend the whole period of their childhood in these Homes except for holidays, the need for comfort and brightness is apparent. Even in the buildings we saw, much more could have been done to help them by pictures and decoration.

#### Homes for Crippled Children

343. We visited one Home for boys aged 10 to 19 and one for crippled children, both boys and girls. At the first the boys suffer from incurable diseases but, in spite of terrible distortion, are able with the specialised help and the encouragement of the staff to achieve a great deal in work and play. The standard of intelligence was high, almost all the boys coming up to Grammar School level. Education is carried on in the Home, much of it is intended to encourage or preserve manual dexterity and consists of such handicrafts as fretwork and the making of toys. One boy was seen playing the piccolo. The boys played games like billiards from their wheeled chairs. There was an excellent library in this Home which was organised and controlled by one of the boys on strict library lines. The whole curriculum was planned to make the most of the children's time and abilities and to keep

them as normal as possible in a very restricted life. We were impressed by the staff at this Home, their devotion and their attitude to the children generally. Each boy had his own locker which is only tidied out if he is present to say what should be retained. These lockers are never looked at by the staff unless they are found open. At the other Home we were equally impressed by the individual attention given to the children, both physical and psychological. We wished that some of the lessons which had evidently been learned in the care of these severely handicapped children could have been passed on to those in charge of Homes for normal children. In spite of the difficulties of distance in the case of both these Homes, a close contact was kept by the children with their families. Parents were allowed to visit freely and many other visitors came.

#### Homes for Blind Children

344. We saw three Homes for blind babies. One was an admirable building beautifully equipped for its purpose and was run for infants under three, at which age the children passed to residential nurseries run by the same organisation. The staff at this Home consisted of a matron and assistant matron, both State Registered Nurses, a Norland trained Staff Nurse, a cook and five probationers. Owing to shortage of staff and the starting of the 48 hour week it was not possible for someone to be constantly with the children in order to give them the sense of security which must be specially needed by blind children at so young an age. We were only able to pay a short visit to this Home, but we left it with some doubt about the value of a purely hospital training for those who are to have the entire charge of the children. At this Home there was great efficiency and much real kindness, but warmth of affection and motherliness seemed lacking.

#### Children's Sanatorium Schools

345. We visited two local authority Children's Sanatorium Schools of very contrasting standards. The first, which housed 180 tubercular children aged 3 to 16 years of age had—

“a Headmistress and nine teachers, all qualified. There were modern classrooms for those children who were able to walk about and specially equipped verandah classrooms for bed cases. All the children were able to have a normal school education. Those who were retarded on admission were given individual tuition. School began at 9 a.m., continued until 12 noon, began again at 2 p.m. and continued until 4 p.m. After 6 p.m. the teachers took turns to remain on duty in order to help the children with games, reading, letter-writing, hobbies, etc. Five out of seven entrants had gained the School Certificate and four had won Scholarships. Teaching is partly carried on by special interior broadcasting methods. Both teachers and children used the broadcasting system, the children giving nature talks and talks on hobbies. Most of the equipment was on special wheels, such as blackboards, nature study trolleys, trays of tools and pianos. The trolleys were at bed level. Other classes were held for mural painting, needlework and special handicrafts. These classes were considered to be diversional therapy and, though educational, not part of the normal school education. We considered this Sanatorium a remarkable place. The children did not appear to be sick children and even the most deformed were lively and intelligent.”

The second Sanatorium School was a shocking contrast. We found the twenty-two children here housed in decayed wooden huts which had been condemned before the war. The rebuilding programme intended then had been prevented

by the war and the continued use of the huts was, we were told, due to pressure of space owing to the use of the area as a Reception area. We were also told that within a fortnight of our visit the children would be rehoused in an existing modern block of the isolation Hospital. It was, however, as well that we should have seen the conditions in which most of the children had been living for as much as two years. The sanatorium and the conditions prevailing in it at the time of our visit were no less than shocking. It had been virtually uninspected for years on end; the only inspection of which we could hear had been made by a Ministry of Education Medical Inspector in 1943. The school had never been inspected by an Educational Inspector of the Ministry nor, so far as we could discover, of the Local Authority. The report made in 1943 (which we were able to see) stated that the accommodation had been twice condemned: it was described as “rat ridden and unsafe.” The transfer of the children to one of the closed Isolation Wards was recommended. The same state of things was found and the same remedy proposed when we visited in November, 1945. The remedy was at last applied in June, 1946. The children were, we found, being taught as a separate unit by a visiting teacher. Twelve girls in one hut and 10 boys in another, aged 4 to 14, were taught together in one of the huts. We were told that the teacher (whom we did not see) was competent and did her best for the children, though discouraged by the conditions and the lack of any inspection arrangement. The heating provided (a central stove in a large ward) and the lighting (which shone from the centre into the eyes of the children in their beds) were altogether out of date. There were holes in the floor boards, the decoration was dreary and the surrounding of overgrown vegetation depressing. The emphasis was (perhaps rightly) on medical treatment rather than education but, making all allowance for handicaps, the children seemed remarkably backward. There was an obvious need for some form of occupation to fill the gap between the limited hours of schoolroom education and the children's long hours of entire leisure which the few nurses could not hope to deal with. The children seemed to have few toys and little or no materials for play or handwork; they were bored and listless. It was clear to us that the nursing staff and the teacher were struggling with almost impossible conditions.

#### Home of Recovery

346. The Home for sick children which we visited was one of the most delightful of any kind which we saw. It was run by a young matron in a pleasant country house on to which had been built wards and schoolrooms. The ward we saw was a large glass sided square with sliding shutters. The children at the time of our visit were having lessons. The matron was helped by a small local committee.

### BOARDING OUT

#### BY LOCAL AUTHORITIES

347. We examined methods of boarding out in all local authorities' offices we visited and made visits to boarded out children in 20 areas. Usually we obtained a list of children, their ages and addresses, at short notice from the officials and made a representative selection from it. Thus in four county areas where members spent several days in an investigation of boarding out care was taken that not only the more accessible children were seen but also those in the remote rural areas. In other instances we made a point of visiting all the members of one family however scattered. After visiting the

A conference was held with local authority officials (in a few cases the conference was held first and in a few a conference took place before and after the visit) at which questions of interest arising from the arrangements could be discussed. We also read a number of children's records and in some districts were also able to see the health and education records for the same children. We were thus able to see the organisation working and gauge its value. We met in almost every case great frankness, a genuine wish to withhold nothing and a real desire to do the best for the children. We received a warm welcome from the foster parents and often also from the children. There was a general assumption on the part of officials and foster parents that the reason for our enquiries was to prevent a repetition of the O'Neill case.

#### Visitors

348. The arrangements varied considerably as between authority and authority. In one rural county each area had a Children's Committee or a Boarding Out Committee, the members of which acted as voluntary visitors to the children in their area. When additional visitors were needed individuals were added to the committees by the nomination of the Public Assistance or Education departments, the Chairman of the Committee or, if a substitute were required, by the retiring member. The members were largely women, and usually held some recognised position, such as magistrate, doctor, local councillor, or councillor's wife; they were usually aged between 50 and 60. All appointments were for three years in the first instance but as most of the members had been visiting for some years the renewal was probably a formality. No paid visitor was employed in this county.

349. We found mixed views about the value of voluntary visitors. Some people thought that by their local knowledge and local contacts they constituted a genuine safeguard to the children in their area. Others thought that they were too inexperienced to recognise the problems with which they might be confronted. As it was expressed to us "they were apt to pat the children on the head and think that they were quite happy". Other officials mentioned such difficulties as unreliability about visiting, and slowness in paying emergency visits if the foster home was isolated. We ourselves noticed in many cases the poor standard of reports, the infrequency of visits and the difficulty of officials in mentioning such defects to the visitor who might be a person of some importance in the locality. While in most cases the voluntary visitors were spoken of with appreciation, the inadequacy of some visiting was brought forcibly home to us, as in one case of a visitor who always visited on horse back and was unable to remain more than a few minutes "because the horse would not stand". From our own interviews with voluntary visitors we formed the opinion that although the work attracted devoted and sometimes very capable women, their personal suitability for the work was not always very marked and their other commitments often hindered them from doing all that was necessary. In particular we thought that there was a serious danger that the more difficult children might not get the skilled, frequent supervision which they needed.

350. In a number of other areas paid visitors were employed but we did not meet any who had received special training for the work before appointment. Thus one county borough was in the habit of sending a shorthand typist from the Public Assistance office to visit children in the care of the Public Assistance department while a superintendent school attendance officer visited the children boarded out by the Education department. In another county borough the visitor had had some experience of school attendance and had taken a short course with the Provisional National Council for Mental Health. In other

cases the boarding out visitors were hospital nurses, a woman who had attended a police training course, school attendance officers, clerks, etc. In one area the Health visitors supervised all the boarding out arrangements for Public Assistance children in addition to supervising fostering under the Maternity and Child Welfare Committee.

351. The paid visitors received salaries on local authority scales (with even in these cases variations between the departments) rising to a maximum of about £220 a year, in most cases with bonus in addition. In the main they displayed great interest and industry. They were usually women of some practical ability between 25 and 50 years of age, familiar with local conditions but often lacking the imagination and resourcefulness of the trained worker. Some of them felt that no specialised training was required; others expressed a wish to take a thorough training. The worker who had attended the National Council course had been delighted with it.

352. The work of these officers was supervised administratively by the Chief Officers of the Public Assistance and Education departments or their deputies. In one area we were able to discuss the work with one of the assistants in the Education department who gave up a proportion of her time to it. She was a graduate who had been a teacher. In this area an advertisement had been drafted for a trained boarding-out visitor at a salary of £300 to £350, who was to take over the bulk of the work from the voluntary visitors.

#### Choice of Foster Home

353. We were told that the method of finding foster homes by advertisement had been found to be unsatisfactory, as a large number of the replies proved unsuitable after investigation. There was an interesting exception to this in one county borough where an advertisement had asked merely for a kind home for a homeless child with no mention of any payment. The replies to this had been uniformly good. One foster mother who was happily settled with a not very easy little boy of five told the member who visited her that she had not the least idea when she replied that she would be paid for looking after him and had been quite prepared to take him in place of her own child which she had lost a year or two before.

354. Usual methods of finding homes were through the recommendation of visitors (particularly in one area by voluntary visitors who were constantly on the look out for fresh homes) and through the recommendation of other foster parents. We came across no instance in which any real publicity had been given to the work through articles in the press, lectures at women's guilds or at parish meetings.

#### Investigation

355. In all the areas which we visited some investigation was always made of the home before it was accepted for placing, but it must be reported that there was often a good deal of "hit or miss" about these preliminary enquiries. A great deal of reliance seemed to be placed on the first impressions formed by the visitor. In some cases this impression was not confirmed by inquiry from local clergy or teachers or by requiring references. In others reference to two persons of recognised position was required and local knowledge was also tapped. In no case did we find that any inquiry even in the most general or discreet terms had been addressed to the police about the applicant's record. In most cases the first interview was with the foster mother and sometimes it happened that the foster father had never been seen because he was away on war service, or out at work. The attitude in such cases appeared to be "it's the woman that matters". It was not uncommon to find that the foster parents' undertaking was required to be signed only by the foster mother. In one



county area a special letter to referees had recently been drawn up and found very useful putting specific questions about the foster parents, such as character, health, religion, moral principles, reputation and capacity for bringing up a child. In only one instance, did we find that written references were supplemented by personal interviews with referees. We heard many comments from officers of the Public Health Departments that that Department was not consulted about the suitability of the Home. Most authorities were careful to ensure that children only went to homes where there was a minimum income level. We found, however, that there was a sensible attitude in most cases and a recognition that if the environment was otherwise good, and it was clear that there was no mercenary motive, the economic factor should not be unduly stressed; that there was room for elasticity and adjustment of clothing and other allowances; and that foster parents generally were alive to the value of such social services as school milk and meals, free orange juice and cod liver oil. The freedom of the foster mother to spend time on the child and the motives behind the application were almost invariably considered. In one area we found the few cases where the foster mother was working were specially supervised.

356. The responsibility for the final approval of the home usually rested with the committee of the Council responsible for the child where there were paid visitors and with the Children's Committee or Boarding Out Committee where there were voluntary visitors. Approval was given on the report of the official or visitor concerned.

#### Choice of Child for Home

357. As a general rule as soon as the foster home was found to be suitable either the official responsible for the particular department (where there were voluntary visitors) or the paid visitor, selected a child corresponding as nearly as possible to the choice of the foster mother and took him along for the foster parents to see. In other areas the foster mother went to the children's Home where she was able to see the child with other children and could decide whether or not he was suitable. The dangers of careless placing were constantly brought home to us both in the Homes to which children had been returned and in our own investigations. In the Cottage Homes of one county borough we saw a heart-broken small boy of three who had been boarded out with a woman who for some weeks had loved him and spoilt him and who had then returned him to the Home.

#### Motive for Taking Child

358. We found that the most frequent reasons for taking a child were to provide a companion for an only child or to have a child where a couple were childless. Some of the childless couples were older than is desirable in foster parents and it was noticeable that the less good homes were often found where the couples were elderly.

#### Economic Standard of Homes

359. We saw a large proportion of homes of superior standard. The foster parents lived in well-furnished five- or six-roomed houses and their income level allowed for a certain amount of extras. In one county we found that a number of foster children were being given piano lessons and had got bicycles. Other homes which we saw were old country cottages, some without baths and one or two without indoor lavatories but in almost all the child had a room to himself. In very few did we find that he shared a room with other children and only in one or two with the foster mother or foster parents.

In many homes it was clear that the payment received was not regarded as the measure of what could be spent. Besides those extras already mentioned it was usual to provide the foster child with clothes, toys and entertainment as for any other member of the family. We received complaints about rates for clothing, usually in those homes in which the income was for some reason or other low (a widow living on a pension or a foster father on the point of retirement) and this seemed to indicate that it would not be safe to place children at the usual rates if overhead costs were not met from the income of the foster parents.

#### Rates of Payment

360. We found a uniform scale of payment in only a few of the areas we visited. In the rest the scales had been devised separately by the various local authority departments, though they were often closely similar. In the same way, local authorities boarding out children in areas of other authorities sometimes kept to their own rate of payment although it might be different from that paid locally. The lowest payment of which we heard was 10s. a week for a child under 14, the highest for the same age was 20s. 6d. It was usual to increase the rate with age, often in three stages, although we came across one exception in a scale which provided for a special supplement for all children below the age of seven, the total sum varying from 20s. 6d. for a child of under three to 15s. 6d. for the child of five to seven and decreasing to 13s. at seven. The justification for the special scale was the extra trouble caused by small children. In one area where a uniform payment of 16s. was made, we were told that "if foster parents can be obtained at all, they can be obtained for 16s.". We came across one instance of special rates of pay being officially agreed upon for all children with special difficulties, and in one or two areas we found that special supplements were paid in these cases. No difference appeared to be made by the provision of school meals. In one area we were told that the foster mother could not afford to pay for the school meal out of the payment made for the child.

361. We came across no case of payment which was recognised as providing remuneration for the foster mother, although, in the case of the higher payments for children under three and specially difficult children, the higher payment could be considered to be payment for additional work done.

362. The general effect of these different rates was bewildering. It would be possible to find small children paid for at three different rates by the same local authority and at three different rates by an outside authority, all in the same area. Such uneven payment only resulted in resentment in the lower paid group of foster mothers and could not be justified on any economic basis. There would have been no difficulty about paying uniform payments for the different age groups in the same area.

#### Clothing

363. In every case some extra payment towards the cost of clothing was made. These payments varied from 5s. 6d. a quarter to 30s. a quarter (which was, we were usually told, too low), but in some areas one or two pairs of boots were given as well as the allowance. Judging by the clothes shown to us in a number of homes, the actual amount spent on clothing was very much more than the allowance in most cases.

#### Pocket Money

364. As in the case of children in Homes, the allowances for pocket money varied considerably. The minimum allowances for children varied from 1d. to 6d. The maximum allowance varied from 4d. to 2s. for children over eleven. Children were often given sweets in addition.

## Medical Care

365. The recent revision of boarding out arrangements in a number of areas following the O'Neill case resulted in some changes in the arrangements for medical care. The usual method seemed to have been for the Public Assistance department to get the child medically examined before boarding out but afterwards to leave the foster mother to call in her doctor as required. Sometimes there was a further check by the district medical officer. The arrangements made by the education authorities seemed to rely largely on the school medical service after the examination within a month of placing, so that a year or more might elapse between the examinations. Although careful instructions were usually given to the foster mothers about calling in the doctor, there was little check that she followed the advice. In a remote village we came across one small boy with what appeared to be septic sores on his legs which were tied up with none too clean bandages. He had not seen a doctor and the foster mother had not thought of taking him to one. If anything had gone wrong there would have been no outside check on the use made of expert medical advice. In another area we were told that all school children boarded out were specially examined every six months, checked, and that if the child missed the medical examination his card would be sent to the doctor for a further visit. This system, though it appeared to be water tight, broke down in the first case in which, because of some special health difficulty, we made inquiries. The card had been overlooked and was still in the index.

366. It was usual to make the initial examination in the children's Home or workhouse from which most of the children were boarded out. After that, a great deal appeared to be left to the individual foster mothers. Although far the greater number of the children we saw were well and healthy, there were a few about whom we felt some anxiety. We were doubtful whether the foster mothers were intelligent enough to recognise the possible need for special advice and thought that expert help might be called in too late. If the child missed the school examination he might go on with some disability or disquieting symptom for a number of years.

## The Up-bringing of the Children

367. In judging the kind of care given to foster children we took particular notice of the relationship between foster parents and child so far as we were able to see it and of the provision made for the child's leisure. We were very much impressed by the way in which in the best of the homes the children were taken completely into the family circle, the good sense and understanding with which they were treated, and the interest shown in them. Our notes constantly showed the affection and pride with which these children were treated. This attitude in the foster parents was particularly marked in one case where the foster child was not only enuretic but of very poor intelligence and very difficult to deal with. This child, in spite of tendencies which might have appalled natural parents, was the darling of the household. Her clothes, specially furnished bedroom, her toys were the very best that could be provided for her. The foster parents were even paying for her to go to a private school because they thought that the headmistress of the elementary school "had a down on her".

368. We did not find any home in which there was any cause for anxiety about the physical care of the child though in some we thought that the choice of home had not been good. In one or two instances we thought the attitude of the foster parent over-possessive and in a few we were doubtful about the suitability of the foster mother for looking after small children on account of age or some disability. These cases were, however, exceptions,

for in the large majority of foster homes the children were treated with kindness and their difficulties dealt with with skill and common sense and they had settled happily into the home. Indeed in many foster mothers we found a special awareness of their need for compensation and a recognition of their special problems. Where the child was dull or difficult there was often an obvious attempt to shield him from criticism and to discover compensating abilities.

369. Most of the children were living the kind of lives which they would have lived as true children of the home. On the whole they took a normal share in family activities helping with the housework and shopping, running errands and, especially in the case of boys, working with the foster father. Many belonged to Guides and Scouts or went to clubs and other youth activities. We visited a number of homes soon after Christmas and were shown an imposing array of presents and a large number of Christmas trees.

370. The success of boarding out in the areas in which we examined it was considerable. Not only did the children (often coming from distressing circumstances or an unstable background) seem to settle and to flourish, but they appeared happy and well adjusted to their way of life. The following observation made by one group of members on their boarding out investigation illustrates this. "The contrast between the children in Homes and the boarded out children was most marked. The boarded out children suffered less from segregation, starvation for affection and lack of independence. They bore a different stamp of developing personality, and despite occasional misfits were manifestly more independent. For example, they were much more indifferent to visitors, were much better satisfied by their environment (by which we mean the special features of security and love). There was, we thought, much greater happiness for the child integrated by boarding out into a family of normal size in a normal home."

## Supervision

371. We noticed with some concern that although difficulties with children were freely admitted, they had very rarely been discussed with the visitor, and often no hint of trouble appeared on the report. This failure to appreciate the position in the home seemed much more frequent in the case of the voluntary visitors than in the case of paid workers who, although untrained, were usually more accustomed to summing up a situation. It seemed to us that only the general high standard of the homes chosen ensured protection from another O'Neill tragedy because in many cases exactly the same conditions of supervision prevailed: the visiting was irregular and infrequent and often inadequate, and although the visitors were in almost every case well liked, they seemed to have little real knowledge of the people with whom they were dealing. If, even in the many excellent homes which we saw, there had been an unexpected change through the death of one parent, or loss of income or the onset of illness, the home might well have changed its character without any realisation on the part of the visitor of the possible worsening of the child's condition. It must be recorded in fairness that the warm welcome given to us suggested that the foster parents were glad to see visitors (and we called at all sorts of strange and inconvenient hours). We found that we had only to mention the usual visitor's name to be asked in.

372. We were troubled about the long gaps which sometimes occurred between visits. If a visitor resigned or left there was often a long interval before another was appointed and in the case of voluntary visitors there were often long gaps in visiting which were explained as due to domestic difficulties which, though understandable, would not have been accepted as a reason in a paid worker. In some instances the voluntary visitors were ill-instructed

in the boarding-out regulations and in what could be done for the child. We found that several foster mothers asked our advice about matters with which it was the duty of the local authority to deal, but about which the visitor seemed unable to give assistance. One foster mother we visited had three more children in the house than was allowed by the regulations. These children had been placed by a voluntary organisation but no report on numbers had been made by the visitor in spite of the fact that the sleeping conditions, though not a matter of hardship, were not satisfactory. In the case of a foster child on probation for stealing (whom in spite of repeated visits we were unable to see) there was no sign on the record of any contact with the probation officer and no note of a mentally defective relative living in the house, nor of what was common gossip in the neighbourhood, that the boy was made to do far too much work for the foster parents. One visitor, aged 69, told us that she felt unable any longer to go long distances. She was inclined to rely on seeing the children about in the neighbourhood. In another instance both the foster mother and the visitor were very deaf.

373. We paid a few visits with some of the salaried boarding-out visitors. In some cases the workers' approach was skilful and understanding, and we were impressed by the trouble which had been taken to inform the foster mother fully of the child's previous history, the easy and happy relationship between the visitor and the whole family and the care taken that the children in their charge should be encouraged in every way to develop their special interests. Most of the salaried visitors did not reach this standard. While they were obviously well-liked and conscientious, they lacked the perception of the trained worker. We had some doubt whether, had the situation required it, they would have been able to take action in a difficult case.

#### Stability of Foster Home

374. A number of the children we visited had been in the foster home since infancy, and many remained in or in touch with the foster home after the age of 14. The particularly difficult child of nine mentioned in paragraph 367 had been with the foster parents since she was two. The length of stay in the foster homes of the children we saw varied from four months to ten years. Some of these children had had a particularly disturbed infancy, but the liability to change had been quite as marked in the institution as in the foster home. One child we saw had been in five institutions and three foster homes before she was eleven. Another child had been in four institutions and two foster homes before the age of eight. So far as we could ascertain these children had shown no particular difficulties. Out of 24 boarded-out children seen in one county, eight had been in at least one other foster home and three had been in more than one other foster home. No child had had more than two previous foster home moves. Most changes of foster home had taken place during the war owing to special circumstances.

#### Brothers and Sisters

375. The desirability of keeping members of the same family together was recognised in most of the areas visited, but we gained the impression that although an effort was made in the first instance to place the children together or within easy distance these arrangements quickly broke down if for any reason a change had to be made, and after a time it was lost sight of. In one county we came across five sets of brothers and sisters boarded out. Two of these families had been completely broken up and were placed out all over the county; the rest had been placed in ones and two and in some cases were keeping in touch, in others were not meeting. Occasionally one of a family was adopted and thereafter all connection with the rest was severed.

#### School

376. In the main the children we saw were having much the same education and advantages as other children. In only two cases did a foster mother complain that the children were singled out. In one instance the foster mother was resentful because she thought that the school teacher was "down" on Poor Law children and "picked on" them, and she had told her two foster children that they must always stick up for themselves. One child, had in her opinion, been wrongly blamed for some damage and had not been recommended for the scholarship examination on that account. The other had been backward and the teacher was said to have resented the fact that she should go into anything but domestic service. The other child, already mentioned, had been sent to a private school because of the supposed unfair attitude of the head teacher. As a general rule the foster parents took a great interest in the school progress of their children, discussed them with the teachers and took pride in their achievements and they seemed to know all about the child's relationships at school. These children had entered for scholarship examinations with the rest and a few of them were attending technical and central schools. We found in one area that when we were able to see them the school reports were most interesting and revealing and provided a valuable supplement to the rather meagre boarding out record. We came across one interesting case of an illegitimate child of a feeble-minded mother whose school reports over a number of years had noted her good intelligence and power of leadership. Very little contact between voluntary visitors and schools was found. School reports were usually sent direct to the responsible Committee.

#### Employment and After Care

377. We were dissatisfied with such arrangements as we found for the placing of boarded out children in employment but it must be remembered that only a small number of the children visited had reached school leaving age. Although the officials responsible were positive that help from officers of the Juvenile Employment Bureau would be sought we did not find any child who had been seen or placed by them. What actually happened (without any realisation on the part of the boarding out officials) was that the visitor and the boarding out visitor between them found the child work locally with the very laudable intention of keeping him with his foster parents. This in the case of voluntary visitors meant that local people applied to them for gardeners' boys, domestics, nursemaids, labourers and the like and the child was placed (as no doubt a great number of normal children are still placed) without any special consideration of his wishes or aptitudes. Thus in one remote village we found a boy of 14½ working as gardener's boy. He had failed in the scholarship examination but was intelligent, a keen scout and interested in woodwork. He may have been well suited to his job but it did not appear that he had been able to have any choice about it. This boy incidentally was an example of the difficulty of settling children from Homes. He had been in the county public assistance children's Home before being boarded out at the age of seven. He still remembered it as an unkind repressive place where they "often had the stick". The foster mother told our visitor that he was thin and poor when he came to them and that he wet his bed nightly for five years. When seen recently he was a well-grown lad, independent but friendly and with good manners for his age.

#### "Fostering"

378. Illegitimate and unwanted children are sometimes placed in foster homes by Health Visitors. Sometimes they came from the nurseries of workhouses or from residential nurseries. Some local authorities prepared



lists of suitable homes which were approved by the Health Department. In one area the local Association for Moral Welfare was grant-aided by the Public Health authority to aid in finding and inspecting foster homes on condition that trained social workers were employed. It was the general experience of Health Visitors in the areas visited that almost all the babies were actually placed with adoption in view.

379. Many mothers placing direct found excellent homes for their babies. Degenerate and sub-normal mothers usually chose homes in slum areas with poor foster mothers of low mentality from whom it was most difficult to get the child away. The homes visited by us were at both ends of the scale of possibilities: in the lowest the foster mother had just contrived to meet the bare conditions qualifying them to receive the child for reward. In assessing these conditions it was plain that great latitude had been allowed although the home was often as good as the child's own home. Babies were seen in attics where owing to bomb damage wet dropped in: they were found living at the back of derelict shops which were entered by means of a wooden ladder and they were seen playing in garbage heaps amongst dust bins, old tin cans and dirty milk bottles. Many of the children wore cast-off clothes or clothes given by the kindness of the Health Visitor who had obtained them privately. In the case of fostered children there is no fixed allowance either for maintenance or clothes as in the case of boarded out children: the mother makes her own arrangements with the foster mother.

380. In some cases the foster fathers were interviewed. Some had taken great interest in the children. One, a railway porter, had given up smoking in order to spend money on the child whose mother had deserted it. In all areas the Health Visitors encouraged foster mothers to use infant welfare clinics.

#### Health Visitors

381. We met and talked with Health Visitors of all degrees of experience. Health Visitors were allowed a good deal of freedom in the choice of homes: some encouraging fostering in the same type of street as the child's own mother lived in and others insisting on a placing on the outskirts of a city in order to obtain space and gardens. All were anxious about the fate of the child taken without reward and recommended that such placings should be notified to the authorities.

### BY VOLUNTARY SOCIETIES

#### Kind of Home

382. We investigated a certain number of placings by the large voluntary societies which place children for boarding out as well as providing Home care. We did not find any important differences in the foster homes selected by voluntary societies or in the reasons for taking the child or the rates paid for them and the conditions required. On the whole the clothing allowances paid by the voluntary organisations seemed lower than those paid by local authorities. In some cases children who had been evacuated to homes of less good standard, before they had been taken over by the voluntary organisation had remained in them, because of the affection between the child and the foster parents.

#### Type of Child

383. As in the case of the children placed by local authorities many of the children placed by the voluntary organisations had suffered distressing experiences before their placing. Some of them had proved very difficult to handle at first and most had had difficulties such as pilfering and bed wetting. We saw some cases in which the organisation had been successful

in placing coloured children. We were impressed by the value of having available a small home or hostel for children who proved too difficult for a foster mother to handle. We saw one such Home used by a large voluntary organisation in which children who had serious difficulties seemed to be thriving.

#### Removal at Fourteen

384. One large organisation, some of whose children were visited, made a practice of removing foster children from their foster families at the age of fourteen and admitting them to Homes for training. This was found to have caused considerable resentment. To make removal a general rule seemed to us to take away one of its chief values from the foster home at a time when the child might particularly need continuity in his relationships. At one home from which a boy of fourteen had been removed after many years the foster father said "It seems just like Nazi methods." These same foster parents, who had suffered twice from the removal of children to whom they had become closely attached, were at first apprehensive lest the visitor should have come to remove the two little boys to whom they seemed to be giving excellent care. Another foster mother whose fourteen-year-old girl had been taken into a Home for domestic training protested so bitterly that she was finally allowed to return and was working in a factory at the time of our visit. We were glad to hear that this general rule was now being reconsidered.

#### Case Histories

385. Many foster parents complained about the very small amount of information which they received about the children from the organisation responsible. One little boy given to rages of a most difficult character had had a large cut across his head. His foster mother wondered whether this injury might account for the trouble as she had been told nothing about him. In some cases the foster mothers suggested that the visitors did not know the children's histories either, but it may have been the policy of the organisation not to disclose the facts.

#### Visitors

386. In most instances the visitors appeared to be exceedingly helpful and accustomed to visit very frequently, in one district as often as once a month. In a few homes we found criticism of infrequent visiting. As a rule the foster mothers welcomed supervision and would have found it even more helpful if the visitor could have told them more. On one or two cases, the withholding of information had led to a lack of confidence between foster mother and visitor and foster mother and organisation.

### BY THE MINISTRY OF PENSIONS

387. In a few areas we were able to visit children for whom the Ministry of Pensions is responsible and to meet some of the officers responsible for visiting the children. The children fall into three groups, as follows:

(1) Children "under care" for whom the Ministry is entirely responsible because they are total orphans or children of mothers not capable of giving them proper care. These children are placed with foster parents and are required to be visited every two months or more often.

(2) Children who are cared for by relatives but for whom the Ministry pays a pension. They should be visited every three months.

(3) Children in the care of their mothers who are widowed. These children are not ordinarily visited but may be placed under supervision if adverse accounts are received about their care.

### Visitors

388. None of the visitors we met held a recognised qualification for social work though we understood that some trained social workers were employed. Students receive a training at Headquarters in the theory of the work and spend some time with visitors working in the field before they are appointed as visitors in their turn. The work is organised from a district office with reference to Headquarters when difficulties arise. In one rural area we found that the visitors had about 125 cases of whom about a fifth were "under care" and shared the assistance of one student. No cars were provided and it was obvious that a great deal of time which might have been available for skilled work was wasted in travel.

### Finding Foster Homes

389. We found that very great care was taken to check the reputation of the family. Three references were asked for and the names given were usually those of persons of standing in the community. Wherever possible a personal interview with the referee took place. A register of foster homes is kept and reports on the home are filed in it. The placement is notified to the Child Life Protection department if the child is under 9 and to the Education department if the child is under school leaving age. Generally speaking the visiting is left to the Ministry of Pensions visitor by arrangement unless advice about health is needed. Visits are made to the school to discuss progress.

390. A routine medical examination is made when the child who is a total orphan comes into the care of the Ministry. Afterwards the school medical examination is relied upon for routine purposes and the foster-mother is asked to call in her own doctor where necessary. Several health difficulties were mentioned to our visitors and it was found that special arrangements had been made for examination and treatment in these cases. Arrangements had been made for the county psychiatrist to see a boy who had been stealing and later the boy was transferred from the foster home to a Hostel for maladjusted children. In one or two specially difficult cases we were doubtful whether the advice given to foster parents who were troubled by the difficult behaviour of the children was as helpful as it might have been.

### Rates of Payment

391. There is a flat rate of 13s. 6d. for each child in the care of the Ministry and this is supplemented where necessary by special payment to meet particular needs. A clothing allowance is usually paid in addition, the actual amount varying according to age, i.e.,

Under 5 years, initial payment	...	...	...	£6	} Annual Payment £4 6s. 8d.
5-10 years, initial payment	...	...	...	£8	
Over 10 years, initial payment	...	...	...	£10	

In some cases, where it was thought that the foster-mother might not be wise in her choice, the visitor chose the clothes. It was interesting that both the amount paid for maintenance and the amount for clothing was considerably less than the higher rates paid by local authorities and voluntary organisations and no allowance appeared to be made for pocket money. It must, however, be remembered that special payments were paid for any out of the ordinary expenses and the child takes to the foster-home a good outfit "three of everything" we were told. In several cases foster mothers pointed out that the payment did not really meet what was spent on the children. They were not discontented and while they would have welcomed a larger allowance they had sometimes failed to make a special claim when a special need occurred.

392. The Ministry is very generous about the giving of presents and we often heard of very attractive gifts being sent individually to each child for birthday and Christmas, a personal touch that we did not meet in the case of other boarded-out children. The foster parents were often very generous about presents and about pocket money and treats.

### The Foster Homes

393. The foster homes selected for Pensions children were of very much the same standard as those noted in the case of placements by local authority or voluntary organisations. The foster fathers were as a rule skilled or semi-skilled labourers or artisans. They showed a true parental interest in the children and were prepared to share with them all the benefits of home life. The children had rooms to themselves: there was nearly always a garden to play in, and pets. In a few instances we found homes where there was only a small margin on weekly earnings and the foster parents were not finding it easy to manage on the rather low weekly allowance and had thankfully accepted gifts of clothing from other sources than the Ministry. The foster parents gave a warm welcome to the visitors and took an equal share in discussions of the children. We particularly noticed that in several cases the foster parent had tried to give the child when backward extra help with homework and the like. It was more usual to find that members of the same family had been provided for in the same foster home and it was evident that a great deal of trouble had been taken over this. In one home there were three children aged three, five and six. The foster parents talked of the children as if they expected a permanent home to be made with them.

### Supervision

394. It was evident that the visitors were liked and welcomed by the foster parents who would have liked to have seen them more often than they did. In one or two homes in the rural area already referred to we were told that the "visitors are so pleased with us that they don't visit often" and that visits were infrequent unless the child was ill or a special visit was asked for. As a general rule the contact was good and the foster mothers were well aware how they could reach their visitor if they wished to do so. It was clear also that they were accustomed to talk freely to their visitor and to seek her advice about any matters which worried them.

### Records

395. The office records which we saw in one area were methodically kept but not very well arranged from the standpoint of modern methods. The reports on visits were interleaved with correspondence, bills and receipts. Although brief notes were kept of all action taken it would have been difficult for a substitute worker in emergency to pick out the main information. Some of the reports showed a good understanding of the importance of personal relationships.

396. We were told that the visitor was not always sufficiently informed about the previous history of a child transferred from another area. One boy of 12 whom we saw had had a history of stealing since the age of 6 but the visitor was not in possession of the facts when she placed him. The general policy seemed to be to tell the foster mother as little as possible. Sometimes they felt that they ought to know more and for want of more were apt to over-emphasise and over-dramatise what the children told them. The confidence between the visitor and the foster parent was usually so happy that there should have been no difficulty in giving any essential information in those instances in which the foster mother's help was specially needed.



397. In all our visits to institutions, Homes and boarded out children we have noted as far as we could the quality and frequency of the inspection provided by the central departments. When it has been possible to do so we have checked our own impression with the reports made to the central department and have compared reports made of the same establishment at different periods.

#### Workhouses (Ministry of Health)

398. In the institutions in which we compared our impressions with the reports made by inspectors over a period of time we were impressed by the fact that although the reports were mainly critical of the same things about which we ourselves were critical, there seemed to have been very little remedy of the defects, though representations had been made to those who were responsible over a period of as long as fourteen years. It became evident too that, in spite of the failure to remedy conditions which seemed seriously damaging to the children involved, it was possible for a gap of many years to take place in the inspections, extending in one instance from several years before the war up to the year of our visit.

399. It was found that adverse reports had been made by inspectors on one nursery since August, 1931. Comments were made then that the children were unsuitably accommodated, apparently because there were nine children over the age of three in an institution not approved for their care. In 1932 a serious outbreak of ringworm had not been notified to the County Medical Officer, and the Ministry of Health communicated with him. In 1934 the presence of mentally defective children in the institution was severely criticised, as also was the fact that a boy of nine was sleeping in the men's ward. At this time the report said "The whole place seemed to me to need improvement and re-organisation." A letter was written to the Clerk of the County Council, who promised in a letter dated 8th April, 1935, that normal children of over the age of three would be removed from the institution, and that an effort would be made to transfer the mentally defective children elsewhere. The position however does not seem to have been changed in the next three years, a report in 1938 stating that the care of the children was unsatisfactory. After this entry there appears to have been a gap of six years in the inspection of the Ministry of Health, although the Board of Control had visited the adult defectives. A full report was made by a Ministry of Health inspector in February, 1945, when there were twenty-eight children present. The only criticism relating to the personal care of the children on this visit was the presence with healthy young children of an eight year old blind imbecile boy, who made hideous noises by day and night and could not be kept clothed—presumably the same boy who was still present in June, 1945, when we visited. The presence for long periods of healthy children of over the age of three in workhouses and in nurseries attached to workhouses, which was against the regulations, was strongly criticised by inspectors, but we found no evidence that their criticisms had been effective. The criticisms of inspectors on the nursery described in paragraph 144 had effected no improvement at all, although the children were removed to another nursery within two months of our visit.

#### Public Assistance Children's Homes (Ministry of Health)

400. The intervals between inspections of children's Homes under the local authorities had varied from 4 months to 3½ years: visits had been more frequent in the last few years. As in the case of workhouses we found that the inspectors had made most of the criticisms which we ourselves made though generally speaking they seemed much less concerned than we were

by the overcrowding, the lack of space for play and the lack of play material (a deficiency seldom mentioned) and of the bare uncomfortable appearance of the children's living rooms. It was clear that reports, even when followed by correspondence, had only to a very limited extent been effective in bringing about improvements in conditions acknowledged to be detrimental to the children. There appeared to be more consciousness of the needs of children in some recent reports by women inspectors but as these were made in wartime when material and equipment were scarce the reports were not much more effective than the earlier ones had been. On the whole the Superintendents and Matrons looked forward to visits from Inspectors and found the advice helpful.

401. We came across one institution which, like a few other Institutions taken over by the Public Health Department, was not subject to inspection at all after its transfer from the Public Assistance Authority to the Public Health Authority. There were ninety-six children in this institution, whose ages varied from under a year to fifteen years.

#### Voluntary Homes

402. It was perhaps hardly surprising that many of the voluntary organisations were in some doubt about the functions of the inspectors who visited their Homes and the reasons for the inspection. Some, for one reason or another, received so many inspectors that one more or less made no difference. The present dividing line between inspections by the Home Office and Ministry of Health is a movable one. If a Home in receipt of voluntary contributions ceases to be certified for Poor Law cases or happens, if uncertified, to have no child under the Poor Law living there, the inspection reverts to the Home Office. This is very puzzling to the staff. Homes which have machinery in their workrooms, or which have internal schools, or which have become approved schools or hospital schools, may be inspected by the Factory Inspectors of the Ministry of Labour, the Ministry of Education, the Home Office, the Ministry of Health or (if receiving a Pensions child) the Ministry of Pensions. Some Homes were also inspected by the inspectors of the local authority. We were not satisfied with the frequency of inspection by the Factory Inspectorate of the Ministry of Labour of laundries in voluntary Homes. Some of the Homes seemed to be unaware that they were subject to such inspection. We saw some arrangements which caused us disquiet.

403. We found however that the main bulk of voluntary Homes are inspected by the Home Office or the Ministry of Health. In many cases these inspections had taken place at long intervals and sometimes had little integral relationship with the life and work of the Homes visited. Staff were often very vague about the department responsible for inspection and attached little significance to the visits made. We did however hear of some Homes which were backward in their views and reluctant to alter their regime but which the Inspectors by tact and perseverance had succeeded in persuading to adopt more modern ideas. A small group of endowed Homes not receiving voluntary subscriptions or catering for children under the Poor Law escaped inspection altogether except as regards their school where they had internal schools. In one of these, although acting in an advisory capacity only, the Home Office inspectors had done a good deal to bring a more liberal view to the training and upbringing of the children.

#### Approved Schools (Home Office)

404. Home Office inspection seemed to have been carried out at least at yearly intervals at approved schools, although we visited one school in which there had been a gap of fourteen months before we called. In some

instances, no doubt for special reasons, there had been much more frequent visits. For example, in a newly established girls' school, of which we had the inspector's reports, there had been five visits from general and medical inspectors during a period of eighteen months. We were very well impressed with the thoroughness of the reports. They showed good discernment about the staff difficulties, a lively individual interest in the girls, and good sense about the practical needs of the school. During this period in which the school was becoming established there was reference in the inspector's reports to the following subjects: general and specialised medical care (also discussed with the doctors concerned); water supply; food allowances and sweet ration; domestic help; building alterations and furnishing; the provision of further cultural classes; technical instruction in gardening and cooking; arrangements for home leave for the girls; staff qualifications; methods of punishment. We came across no instance of any resentment of inspection; indeed the relations between the senior members of the staff and the inspectors seemed a very happy one. In one girls' school which had been through very troubled times the Headmistress referred to the inspector as being "a great friend".

403. While the Ministry of Education takes some part of the inspection of the education work in approved schools the day to day responsibility rests with the Home Office. The arrangement by which the Ministry of Education advises and assists appeared to have been suspended during the war. One Junior Girls' School carrying on its own education had had no visit from the Ministry of Education in three and a half years. Another School for Senior Boys had not to the knowledge of the present headmaster had any educational inspection.

406. Inspection by the Factory Inspectors of the Ministry of Labour of machine workshops appears to be infrequent. One school had had no inspection from the Factory Inspectors and at another school there had been a gap of three years in this inspection before a recent visit.

#### Remand Homes (Home Office)

407. As far as we could judge the remand homes had been kept under reasonably careful vigilance by the Home Office although we were sorry to see only annual visits to one home which was in great difficulties. Improvement did not, however, appear to be very effectively brought about in the case of negligent local authorities or Committees of Management. Thus at a home, with which we were not altogether satisfied, the Home Office inspectors' reports showed clearly the extremely critical view they had held since 1940 of the remand provision for boys made by the local authority. Our visit satisfied us that some improvement had been effected but slowly and only in part. The long periods of stay due to difficulty in boarding out "fit person" cases, in finding accommodation for mentally defective boys, and in getting transfer to approved schools seem to have been causes of frequent comment in the 6-9 monthly inspectors' reports extending over a period of five years. It is worth noting that inspectors' visits were more frequent during the period in which the staffing of this Home was unsatisfactory. In another case, however, the head of a remand home thought he should have had more frequent visits from the Inspector while his Home was still in its initial stages. Of the few reports we read we noticed one which expressed concern about the long period of stay, including children who should have been boarded out by the local authority. The Inspector had urged the need for action upon the local authority departments responsible.

#### Hostels for Working Boys and Girls and Probation Hostels (Home Office)

408. We did not come across much evidence of inspection except at Probation Hostels which are inspected by the Home Office. The contact with inspectors was much more frequent in the case of girls' Hostels which were visited at six or nine monthly intervals than in the case of boys' Hostels which were visited annually or less frequently. We noticed several instances in which Inspectors had commented on the type of work selected and some in which advice had been given on the handling of difficult young people.

#### Institutions for Children suffering from Mental Illness or Mental Defect

409. All these institutions are under the inspection of the Board of Control. They must by statute be visited annually, and visits have been carried out regularly, sometimes more frequently than at the statutory intervals. In one institution two days had been spent by the Inspector on the occasion of her last visit. A Commissioner and Inspector sometimes visit together. Medical institutions are also visited by members of the local authority Mental Deficiency Committee, and in some instances by the local justices.

410. We were told of visits by the Ministry of Education in only one institution with a special school, though there may have been visits in some other institutions. We were told by one Medical Superintendent that no-one came from the Ministry of Education unless he made a special request for an inspection.

#### Hospitals and Homes for Physically Handicapped Children

411. At the one hospital in which inquiry was made, inspection of the educational arrangements for the children was made by the Ministry of Education medical inspector who had visited regularly before the war. She used to arrive without notice and spend a whole day at the hospital. Inspections were sometimes carried out by the local authority. The deaf and dumb Homes were inspected as special schools by the Ministry of Education at long intervals. The Home for blind babies was regularly visited by Child Protection Visitors of the local authorities, and the crippled Homes by the Ministry of Education. On the little information which we had we formed the impression that no great interest is at present shown by the government departments in these children and that much greater help might be given in the special difficulties which all these Homes for handicapped children must meet.

#### Boarding Out

412. Boarding out by the Public Assistance authorities is under the inspection of the Ministry of Health, whose inspectors also interest themselves in the Child Life Protection service although they are not empowered to enter the foster Homes supervised by the Public Health authority. Boarding out by Education departments acting as "fit persons" is the responsibility of the Home Office which has powers to enter foster homes. We did not gain the impression that much home visiting was being done by government departments and we regretted this because we found from our own experience that while it was quite possible for an authority to think that arrangements were satisfactory (as for instance in the matter of employment (see para. 377)) only visits to the children would show what was actually done.

413. There was a good deal of evidence that inspectors kept in close contact with local authority officials and advised generally on standards both in selection of foster parents and in selection of visitors. Both departments were exercising considerable pressure through their inspectors to secure

the appointment of trained salaried visitors. Inspectors of both departments took up special cases from time to time. In the case of children to whom the authority was acting as "fit person" difficult cases more frequently came under review because of the necessity for seeking permission for special institutional treatment instead of boarding out. We were not satisfied in all cases that permission had been sought for the use of voluntary children's Homes and in one or two discussions with local authorities which were antagonistic to boarding out we thought it likely that the inspectors did not hear of those children who had been placed in Homes.

414. There are a few general considerations in regard to inspection to which we should draw attention:—

- (1) Neither before the war, nor more understandably during the war, has the frequency of inspection been adequate to maintain a real check on standards. Our inquiries showed Homes and other Institutions which had been left unvisited for as long as six years, while an interval of three years was quite usual. Recently the central departments had made efforts to visit more often and we understood that in some cases visits were being made at least once a year. Examples of more frequent inspection were the Home Office approved schools, remand homes, establishments under the Board of Control and nurseries administered by Public Assistance authorities. At the other end of the scale educational inspectors of the Ministry of Education in some cases, had never visited hospital schools in which children were being taught and rarely visited some other schools within institutions.
- (2) We were impressed by the fact that although in many cases the inspectors' reports over a period of many years showed that there was then in existence the same kind of bad conditions as were apparent at our visit, the action on the report was ineffective because nothing was done locally to improve the conditions. In some cases it was clear that the inspector had made on the spot, and the department had later supported in writing, proposals for improvement (even essential proposals) which were not adopted or in some cases even considered. In other cases we felt that there was a failure to take up from the centre complaints which had been made by the inspector and that this failure might lead the officials on the spot to think that no great concern was felt.
- (3) We noticed in some cases recent improvement in the quality of the reports on Children's Homes which we attributed to the increased employment of women inspectors for this work.
- (4) We were concerned about what appeared to be acceptance of a low standard from time to time by some Ministries on the ground that there was no alternative accommodation available. We thought that this attitude was unlikely to stimulate local authorities to provide suitable accommodation.
- (5) We found no evidence that there was resentment about the visits of inspectors. In the main, they appeared to be welcomed and in one or two places there was a feeling of misgiving because no visit had been made for some time. In some types of Homes and schools the inspectors were regarded as friends who were able to give valuable advice and who could often provide a solution on a practical plane.

#### GENERAL IMPRESSIONS

415. We now offer a summary of the general impressions made upon us by witnesses, and by our own survey, with regard to the existing provision made for children deprived of a normal home life. In the first place we are

far from satisfied with the immediate provision made for children coming as destitute or in need of care or protection into the care of local authorities. Some authorities indeed receive the children into establishments for temporary care where they can be studied, cleansed and cared for in an adequate and kindly way until they are placed in whatever their permanent substitute home may be but in far too many areas the child is put into a workhouse ward where there is nothing but the barest provision for his physical needs and where the staff have neither the capacity nor the time to relieve his fears, make him feel at ease or give him occupation or interest. What is more, he may remain in such unsatisfactory conditions, temporary though they are supposed to be, not only for weeks, but for months, before something better is found for him.

416. Turning to the long-term provision, it is evident that more kindly imagination, as well as more scientific thought, has gone into the arrangement and equipment of nurseries than into any other form of care for the healthy child, though a great deal remains to be done in the way of precautions which medical opinion thinks necessary for infants congregated together. Nursery schools, though as yet by no means fully developed, on the whole carry on in the same spirit, and it is evident that their extension will bring brightness and constructive occupation into the lives of the small children in public care. The provision for the older children, in Homes or boarded out, is generally speaking on a lower level both of aim and of achievement. Both these types of provision have recently caused public anxiety—the first because of assertions as to their out of date, harsh or repressive methods, the second because of actual disasters to children so provided for. We think the anxiety was justified, even though the general position is by no means so bad as particular incidents and statements might suggest. We have seen much that is good, and highly creditable to those responsible; but we have also seen much that calls for reform.

417. It is right to say in the first place, as regards Homes for children, that very little evidence, written or oral, has been tendered to us that there are seriously bad conditions in existing Homes in the sense of conditions involving neglect or harsh usage. Some witnesses have come forward to describe to us their own upbringing as inmates of Homes, and in a few instances the picture drawn was a very dark one. Even allowing for some bias and exaggeration, the treatment of these particular children had clearly not been happy or successful. It must be remarked however that the evidence related to a period of ten or more years ago and that there has been much improvement since then in methods of discipline and other conditions. The whole attitude of society to the treatment of children has been moving towards a gentler and more sympathetic approach, and we had it in evidence from a very experienced inspector that children's Homes and persons responsible for the care of the unfortunate child have shared in this development. We heard moreover other witnesses brought up in institutions who gave evidence of a different purport, even as regards the same period or earlier, and evidently regarded themselves as having been by no means unfortunate in their childhood's experiences. We ourselves have seen excellently conducted Homes run by organisations which have been attacked. We do not therefore feel justified, so far as evidence of this character is concerned, in forming conclusions adverse to the general administration of child care in any organisation or group of institutions. The witnesses in question did however bring home to us the danger, even in an organisation or under an authority with an enlightened policy, that individuals in charge of groups of children may develop harsh or repressive tendencies or false ideas of discipline, and that



the children in their care may suffer without the knowledge of the central authority. A code of rules which sets a proper standard is one necessity but it is plain that no code will suffice without regular inspection and constant watchfulness that the right atmosphere of kindness and sympathy is maintained.

418. Our own survey has given us a firmer basis for conclusions about actual present day conditions. It will be apparent from this Section of our Report that we have seen examples of almost all levels of child care, some very good, some indubitably bad. By far the greater number of Homes were, within the limits of their staffing, accommodation and administrative arrangements, reasonably well run from the standpoint of physical care, and in other ways the child has more material advantages than could have been given to him in the average poor family. Where establishments fell below a satisfactory standard, the defects were not of harshness, but rather of dirt and dreariness, drabness and over-regimentation. We found no child being cruelly used in the ordinary sense, but that was perhaps not a probable discovery on a casual visit. We did find many establishments under both local authority and voluntary management in which children were being brought up by unimaginative methods, without opportunity for developing their full capabilities and with very little brightness or interest in their surroundings. We found in fact many places where the standard of child care was no better, except in respect of disciplinary methods, than that of say 30 years ago; and we found a widespread and deplorable shortage of the right kind of staff, personally qualified and trained to provide the child with a substitute for a home background. The result in many Homes was a lack of personal interest in and affection for the children which we found shocking. The child in these Homes was not recognised as an individual with his own rights and possessions, his own life to live and his own contribution to offer. He was merely one of a large crowd, eating, playing and sleeping with the rest, without any place or possession of his own or any quiet room to which he could retreat. Still more important, he was without the feeling that there was anyone to whom he could turn who was vitally interested in his welfare or who cared for him as a person. The effect of this on the smaller children was reflected in their behaviour towards visitors, which took the form of an almost pathological clamouring for attention and petting. In the older children the effect appeared more in slowness, backwardness and lack of response, and in habits of destructiveness and want of concentration. Where individual love and care had been given, the behaviour of the children was quite different. They showed no undue interest in visitors and were easily and happily engaged in their own occupations and games.

419. Apart from the absence in many Homes of this essential element in a child's wellbeing, we have found much to criticise in accommodation, equipment and staffing. Even when full allowance is made for wartime shortages and difficulties, it is evident that in many places a higher standard needs to be set. The difference between the results achieved in what would appear to be precisely parallel conditions is often startling. Where a community is successful its success may be accounted for in one of several ways. Enlightened central direction can do much, as is apparent in the approved schools and the best of the voluntary Homes. Good local administration and the interest and support of a competent local committee can do perhaps even more. Full collaboration between the central authority and the local administration is of great importance. We noticed all these factors at one time or another as affecting the quality of a Home. But outstanding among the comments on our visits are references to the good or poor Superintendent, Matron, House mother or other member of the staff in immediate charge of

the children. On the personality and skill of these workers depends primarily the happiness of the children in their care. We have seen much admirable and devoted work by people putting their whole heart and energy into this task, sometimes in very unhelpful conditions. But such workers are too few to handle the work to be done, and some of them have had too little preparation for a very difficult task. On the whole, as we indicated in our Interim Report, this task has not been regarded as one calling for any special skill, and many of the children have suffered in consequence.

420. When we turn to boarding out, we meet a different set of inadequacies and dangers. We found in the children in the foster homes we visited almost complete freedom from the sense of deprivation which we have described among the children in Homes. Indeed the foster homes as a whole made a remarkably favourable impression. While there were some which on one ground or another we did not consider suitable places for the care of a child, there were few in which the child was not a member of the household, or did not appear to be finding affection and happiness. In some cases indeed the fostermother had become too possessive for the relation to be altogether satisfactory. The faults of foster homes are different from those of large communities and very difficult to diagnose at a casual visit. They depend on the attitude of the fosterparents to the child and the accidents of fortune in the home, and a crisis may occur which could not be anticipated from a single inspection.

421. What impressed us with regard to boarding out was the need for a greater sense of personal interest and responsibility at local authority headquarters, and for more specialist staff there; and for more trained supervisors to visit the children. There is no doubt that the O'Neill case had put authorities on their guard against slackness in administration; and we thought that the individuals in charge of boarding out in the authorities' offices were doing their best, though sometimes in a rather remote and impersonal way, to serve the interests of the children. But the present administrative system seems to us full of pitfalls. Divided responsibility, office delays, misunderstandings and misjudgments of people, irregular visiting and failure to visit promptly in emergency, may easily under present conditions facilitate a tragedy, as they have done in the past. It was moreover clear to us that it was very rare for an authority to feel that it had a choice among a number of thoroughly satisfactory foster homes, though whether more homes would have been available if a greater effort had been made to find them is not so certain. One of the counties in which we saw the most satisfactory foster homes had been able to board out only about a third of the children in the care of the council.

422. On the whole our judgment is that there is probably a greater risk of acute unhappiness in a foster home, but that a happy foster home is happier than life as generally lived in a large community. Our proposals for improving the quality of both types of substitute home will be found in the next Section of our Report.

## SECTION III

## CONCLUSIONS AND RECOMMENDATIONS

423. It will be sufficiently apparent from the earlier sections of our Report that the problem of providing for children deprived of a normal home life has not hitherto been dealt with as a single one, and that a large part of our task is to devise means of simplifying and unifying the exercise of public responsibility. First, however, we propose to consider whether that responsibility covers a wide enough field, or whether there are groups of children needing public care and supervision who are at present outside it; and whether also the relation between child and public authority is in all cases sufficiently close to secure the child's protection.

## SCOPE OF PUBLIC CARE

424. The following groups have come under our notice as needing supervision as much as other groups which are already within the range of public care:

- (i) Children over 9 years of age who have been taken under care by foster parents for reward.

The upper limit of 9 years for the child life protection service (see above paras. 70-76) is in effect arbitrary and we see no good reason for maintaining it. It is obviously unsatisfactory that there is nothing to prevent a child over 9 being placed in a home from which a child under 9 has been removed because the home is unsuitable. Nor is there in our view any ground for the relaxation of public care at so early an age as 9. The service began as an *infant* life protection service and the age limit, originally 5, was raised to 7 years in 1908 and to 9 by the Children and Young Persons Act, 1932, following on the recommendations of the Tomlin Committee on Child Adoption. We desire to see the age limit for the child life protection service raised to 16 years so that the child may be under supervision until he has left school. A large proportion of our witnesses have pressed for this extension.

- (ii) Children taken into care by foster parents without reward, whether with a view to adoption or not.

We have had a good deal of evidence that illegitimate children are handed over at birth to women who are willing to take them without payment, and unless there is a subsequent application to adopt, no inquiry is made by any public authority into the character of the home or the foster parents. If reward were received the foster parents would be obliged to notify the proposed reception of the child (if under 9 years of age) to the welfare authority and the home would be inspected by the child protection visitor. This appears to us to be equally necessary where there is no reward, except in the case of near relatives or where the child is received for a temporary purpose only, and we recommend that the service be extended accordingly. The Ministry of Health has already, in 1943, drawn the attention of welfare authorities to the problems arising under war conditions in regard to illegitimate children, and has asked them to submit schemes for co-operating with voluntary agencies in the supervision of the children by trained social workers. Our proposal goes further, and would ensure that the individual child's welfare would be the responsibility of the authority equally with that of fostered children taken for reward. There is another

special mention, viz. orphans in respect of whom orphans' pensions are payable and fatherless children in respect of whom allowances are payable to persons other than the mothers, under the Widows Orphans and Old Age Contributory Pensions Acts. The Minister of National Insurance is responsible under the Acts for payment to the "guardian or other person having charge of the child", but has no powers of supervision or control directed to the general welfare of the child. Having arranged for the payment of the pension or allowance in the first instance to a suitable recipient, the Ministry is not further concerned unless the recipient dies or becomes disqualified, or unless representations are made by a local authority or otherwise that it would be in the child's interest for the payments to be made to some other person. So far as we can discover it has never been established that the receipt of a pension or allowance in respect of a child constitutes "reward" within the meaning of Section 206 of the Public Health Act, 1936, and we have been advised that this would be a question for the decision of the Court in each individual case. These children therefore normally escape the supervision of the child life protection service. The new National Insurance Act which became law while our Report was in draft provides for the payment of a "guardian's allowance" of 12s. a week to a person who has an orphan child in his family, but under that Act also the Minister will have no powers of supervision and control directed to the general welfare of the child. It has been urged on us with some force that civil orphans should receive from some authority the same oversight that war orphans receive from the Ministry of Pensions. Our recommendation will bring them, with the exceptions mentioned, within the scope of the child life protection service, and the local authority will have the duty of supervision. We recommend that in all cases where the payment of a child's pension is made to a person other than the mother, a close relative or the legal guardian, the Ministry of National Insurance should be required to notify the local authority. Children placed for adoption, other than those under 9 placed with the participation of a third party, are not at present covered by public supervision. We recommend that such supervision be extended to cover those of all ages, however placed.

- (iii) Children in voluntary Homes not now inspected by any public department.

As we mentioned above in paragraph 69 voluntary Homes not registered with the Home Office escape inspection unless for some particular reason they are inspected by another Department. We have made careful enquiry as to the number of such Homes, but for obvious reasons it is impossible to obtain precise information. Our official witnesses, however, assure us that the problem is of very small dimensions, since most Homes either solicit subscriptions from the public or are of sufficiently good reputation to be used by public authorities with the consent of the Ministry of Health for placing Poor Law children. We recommend that all homes taking full custody of children should be registered and inspected by the central department.

425. As regards the degree of responsibility taken by the State or other public authority, we are not satisfied that this is sufficient in the following circumstances:

- (i) Children found by a Juvenile Court to be in need of care or protection.

These at present need not be accepted by the local authority to

a Court decides that the rights and duties of a parent should be transferred to another "person" and that the local authority is the right "person" to assume those rights and duties, they should be imposed on the authority without opportunity of refusal.

(ii) Orphans and children deserted by their parents.

We consider that every orphan or deserted child coming within the range of public care should have a legal guardian to take the major decisions in his life and to feel full responsibility for his welfare. Apart from the cases where the Court commits a child to a local authority as a "fit person", those in which the authority are managers of an approved school to which the child is committed and those in which the authority assumes guardianship under the Poor Law Act, 1930, of a child maintained by it, there is no relation of legal guardianship between the authority and the child. We do not suggest that in every case the authority is the proper guardian, but we consider that the authority should be responsible for raising the question of guardianship in the cases where it takes responsibility for the child's welfare which, if our recommendations are approved, will be far more numerous than at present; and that failing a suitable relative, for whom inquiry should be made, or the Head of an approved voluntary Home which has the child under care, the authority itself should apply for appointment as guardian. The legal procedure by which guardians can be appointed appears to us to need revision. We do not favour the assumption of parental rights by a local authority under Section 52 of the Poor Law Act, 1930, by mere resolution, without an initial application to a Court. We think it objectionable (even though in practice the Section may have worked satisfactorily or at any rate without criticism) that the rights of a parent or other guardian should be extinguished by a mere resolution of a Council. Even if extra publicity and work were involved in court proceedings, we are of opinion that they would be more than counterbalanced by the value of an impartial and detached judicial inquiry at the outset directed to the paramount welfare of the child. We understand that at present no statutory provisions exist in the Guardianship of Infants Acts, 1886 and 1925, or elsewhere which confer on any Court the power to appoint a legal guardian (as opposed to making a custody order in certain cases) where a child is already without a natural or testamentary guardian; and that in such a case the only resort is to the inherent jurisdiction of the Chancery Division of the High Court. For reasons of expense and distance this is not practicable in regard to the children with whom we are concerned, or their relatives. We recommend that the statutory jurisdiction to appoint guardians should be extended (a) so as to enable a legal guardian to be appointed by a Court not merely where another is being removed or superseded under Section 6 of the Guardianship of Infants Act, 1925, but also where a child has no natural or testamentary guardian at all; (b) so as to ensure that this extended statutory jurisdiction is exercisable by County Courts and Magistrates (Juvenile) Courts as well as by the High Court. If this simple procedure were available it might often make possible a stable relation short of adoption between a good foster parent and a child. The protection of the child against resumption of parental rights by undesirable parents would also be easier than under the Custody of Children Act, 1881.

426. The necessary statistical material is not available for an estimate of the number of children which our recommendations would add to the total shown on p. 27 to be within the scope of public care, but we should suppose that the new total would be between 150,000 and 200,000.

### THE SUBSTITUTE HOME

427. The need of the deprived child is for a home or a good substitute for a home, and it is to the question of the quality of the homes now provided and the possibility of improving on them that we have addressed ourselves. If the substitute home is to give the child what he gets from a good normal home it must supply—

- (i) Affection and personal interest; understanding of his defects; care for his future; respect for his personality and regard for his self esteem.
- (ii) Stability; the feeling that he can expect to remain with those who will continue to care for him till he goes out into the world on his own feet.
- (iii) Opportunity of making the best of his ability and aptitudes, whatever they may be, as such opportunity is made available to the child in the normal home.
- (iv) A share in the common life of a small group of people in a homely environment.

Some at least of these needs are supplied by the child's own home even if it is not in all respects a good one; it is a very serious responsibility to make provision for him to be brought up elsewhere without assurance that they can be supplied by the environment to which he is removed.

428. Section II of our Report makes it clear that we are by no means satisfied with the way in which the responsibility for finding the child a substitute home is at present discharged. Much good work is being done, but the standard is so variable and at the lower level so poor, that a determined effort must be made to lift the whole treatment of the child without a home on to a new, more even, and higher level. We see no reason to regard this as an insuperable or even a very difficult task and we are glad to record a very large extent of unanimity among our witnesses—local authorities, representatives of various organisations and private individuals—as to the principal measures necessary. Where there is failure, it is due in the main to faults of administration and imperfect selection and training of staff. Our remedies, which we are confident will deal with the situation, lie, therefore, mainly in the sphere of administration and personnel.

### PRESENT DISTRIBUTION OF RESPONSIBILITY

429. The present distribution of responsibility among Government Departments first calls for attention. So far as the normal healthy child is concerned it does not as a whole bear any obvious relation to the primary functions of the Departments, and it is an easy target for criticism. The evidence is that in practice it is regarded by local authorities and voluntary organisations as confusing and tending to imperfect administration. It is obvious that there is much scope for inconsistency of treatment. An outstanding example of this is that the Ministry of Health and the Home Office have both issued boarding out rules which have the force of law, one set under the Poor Law Act, 1930, and the other under the Children and Young Persons Act, 1933, but that the provisions of these have not hitherto been identical.\* The evidence in the O'Neill case† indicated the danger that where the rules differed the lower standard of the two would be adopted for working purposes. There is the further difficulty that different statutory committees of the local authority concerned (generally the county council or the county borough

\* The rules are now we understand being assimilated.



council, but in some cases the smaller authorities designated as welfare authorities) may be handling independently almost precisely similar problems. One of the committees is the Education Committee, which primarily works with a government department other than that responsible for administering the particular Act concerned. Not only this committee and the Public Assistance Committee, but the voluntary organisations may be competing in a particular neighbourhood for suitable homes for boarding out children. A woman with two foster children may for example be visited by an officer of the Public Assistance Committee to supervise one child and by a child protection officer acting under the Public Health Committee to supervise the other. It may be added that the central departments each maintain their own inspectors who may be associated with such a visit.

430. We have considered the arguments of those who urge that the upbringing of all deprived children should be a direct State responsibility exercised through officers of a central department, as it is for example in the case of the war orphans supervised by the Ministry of Pensions, as opposed to a delegated task performed by local authorities and other agencies. We do not think that this would be the right method of handling the problem. The numbers of war orphans are small and the children can be thought of as individuals in the central office. Where the numbers are so large as those we are now considering a central office would tend to regard them rather as entries in a card index.

431. We think that constant local interest in the children of a locality is a very important element in their welfare, and that the local authority should not be divested of responsibility for its own children who are without normal homes. The children should on the contrary be absorbed to the greatest possible extent in the life of the neighbourhood. There is the further point that the authority with immediate responsibility for their welfare in any area would be bound to work with the local Education and Public Health Committees and should therefore normally be of similar standing to those committees and should have constant contact with them. Some of the cases arise from the housing conditions in the local authority's own area; some are the products of a deplorably low standard of cleanliness among the householders, or a low standard of behaviour of the girls and women. These are matters in which the local authority is bound to interest itself, and we are confident that all progressive authorities would wish to be fully responsible for providing the child with a substitute home when it has proved impossible to maintain him in his own.

#### RECOMMENDATIONS REGARDING RESPONSIBILITY

432. The ultimate responsibility should in our opinion be with one central department which would define requirements, maintain standards, advise and assist those taking immediate responsibility for the care of children and act as a clearing house for progressive ideas. The actual provision, except for some special groups of abnormal children, should remain a matter for the local authorities and the voluntary organisations. The local authority concerned would not necessarily be the authority now responsible for any one group; for one thing it would have to be large enough to employ the right type of executive officer. We desire to say at the outset that while many authorities have done and are doing admirable work in some respects, we are by no means satisfied that all local authorities have dealt with this matter as it ought to be dealt with. Some lapses are within the public knowledge, others—too many—have come to our notice in the course of our investigations. We feel very strongly that the means at present available to central departments for bringing sub-standard authorities up to the level of the best where inspection and exhortation have failed are either insufficient

or not used. Over and over again we have found that the faults we have discovered in visiting a children's Home were observed by inspectors some years before and duly brought to the authority's notice but that nothing was done. The quality of recent inspection seems to us on the whole good, though its frequency has been reduced too much by war conditions: it is the enforcement that is at fault. The Ministry of Health has wide order-making powers under the Poor Law Act (Sections 1 and 136), but the relations of the Ministry with the local authorities seem to be persuasive and advisory rather than mandatory. Members of a local authority may be surcharged by the District Auditor if it overspends, but there is no penalty, short of the odium of a public inquiry, attached to underspending. The Ministry formerly had power to replace Boards of Guardians by nominees of the Minister, but this power lapsed in 1930 when the Boards of Guardians were replaced by county and county borough councils. Under Section 13 of the Poor Law Act the Minister may remove or suspend an officer of the authority who is negligent or incompetent, but this is no remedy when the policy of the authority is at fault. The position on the side of education is on paper better. Under the Education Act, 1944, the Minister of Education may, if satisfied that a local authority has failed to discharge any duty imposed on it by the Act, declare the authority to be in default, and give directions enforceable by mandamus. We recommend that equivalent powers be given to the Minister on whom is placed the responsibility for the care of deprived children. The principal means of maintaining standards will, however, in our view, be the power to hold public inquiry. In a matter of such interest to the public this should be effective, and it should be resorted to without hesitation in case of need. We should mention here that we assume that all the various services to the deprived child will in future be subject to Exchequer grant, and that this will relieve difficulties arising from the small financial resources of certain authorities.

#### VOLUNTARY ORGANISATIONS

433. As regards the voluntary organisations, the best of these have excellent standards and ample funds to support them. The less good should be brought up to the right standard by the central department armed with full powers of inspection and direction, and where this cannot be done, they should be prohibited from continuing their activities. The principle of utilising voluntary help to the full in spheres in which the State or local government is active is well established in this country, and we see no reason for departing from it in this particular connection. We recommend however, that in so far as voluntary Homes taking full custody of children are not registered and inspected by Government Departments, they should be so registered and inspected. At present registration is confined to those voluntary Homes receiving subscriptions from the public. We should like to see steps taken to bring the smaller independent children's Homes and orphanages into association (not necessarily amalgamation) with the larger organisations, which have a consistent and publicly announced policy and the means for carrying it out; we are informed that there is already some movement in that direction. There are large numbers of Catholic Homes and orphanages under no central administration, the Catholic Child Welfare Council being a consultative body and the Homes and institutions in each diocese being under the supervision of the Bishop of the diocese. We desire moreover to see the voluntary service more closely integrated with the public service. The principle of inspection of voluntary Homes by officers of central departments is well established, and the power of the responsible Minister (now the Home Secretary) to serve directions on any Home in which the treatment is unsatisfactory and to follow this up in the event of non-compliance by applying for a Court order for the removal of the children, should be

adequate as a means of maintaining standards. Greater local collaboration would however be an advantage, and we shall have some suggestions to make as regards liaison between the voluntary Homes and the committee of the local authority primarily responsible for the children's welfare. Subject to these proposals we think the voluntary organisations should be left to function as at present but under statutory rules laid down by the central department, neglect of which would make them liable to be closed. They are not of course quite independent of, or detached from, local authorities in existing conditions. Upwards of 200 voluntary Homes, including most of the branches of the large national organisations are certified by the Minister of Health for the reception of Poor Law children, and are open to inspection both by the Ministry and by the local authorities who place children with them. The voluntary organisations and the local education authorities take parallel responsibilities in the provision of approved schools, and Juvenile Courts commit children to voluntary organisations, as well as to local authorities as "fit persons". Some of our official witnesses paid the voluntary organisations high tributes for their enterprise and pioneering spirit, and we ourselves have seen fine examples of their work. On the other hand some of their many branches at times fall below a satisfactory standard, and it would be all to the good to supplement their central control by the visits and advice of the officer of the local authority as would be done by our proposed extension of the child life protection service. In the case of small independent voluntary Homes such contact is even more desirable. The opening of new voluntary Homes in excess of the requirements of the district or group to be served would also come under notice by this means, and be brought to the notice of the central department if necessary.

#### CENTRAL AUTHORITY

434. We do not accept the view urged by some of our witnesses that a single department should be responsible for every aspect of the life of the deprived child. The principle of defining the functions of Government Departments by the groups of people they look after rather than by the nature of the work they do seems to us wrong: in this case we think it would also be administratively clumsy. We feel too that to consign these children for all purposes to the care of a single Ministry would be to emphasise what we wish to minimise—the extent to which they are marked off from other children. We think that they should come within the purview of the Ministry of Education for education in the same way as children living with their parents, and that they should be subject to the health supervision of the Ministry of Health in the same way as the normal child is subject to it, and that if physically or mentally handicapped, they should be treated as other children under these handicaps are treated by the responsible department—e.g., the Ministry of Education or the Board of Control. If they are delinquent in the sense of requiring penal treatment, the department responsible for such treatment (the Home Office) must prescribe the treatment for them. The missing element in the lives of these children is the home background, and we consider that all the children in whose lives that has ceased to exist or ceased to count should be brought under the supervision of a single department. Which department is a question which must be settled on another level, and it does not seem to us to be so important as the achievement of unification. The duty no doubt impinges on the functions on the one side of the Ministry of Health as the department responsible for the bodily welfare of children, and on the other side of the Ministry of Education which is the department responsible for children's mental training and to an increasing extent for domiciliary provision for those pupils needing it; whereas the Home Office has already developed to a considerable extent the study of the

substitute home. We would only urge that whichever department undertakes the work, it should have a Children's Branch making a special study of child welfare on the side of the home, without specialist bias on any side, and an inspectorate able to judge whether the conditions for the child's total welfare as a human being exist in a particular case. The responsible Minister might be well advised to appoint an Advisory Council to keep him in touch with developments in outside expert opinion on the subject of child care.

435. The Children's Branch in the selected department would take full responsibility, in so far as this falls on the central government, for the destitute child, the child in need of care or protection committed by the Juvenile Courts to the local authority as a "fit person," the illegitimate child whose mother is unable to support him, the child in a voluntary Home, the child in a foster home and the child placed for adoption. We think that the care of deprived children now supervised by the Ministry of Pensions should properly also belong to the selected department, but in view of the fact that this is a disappearing charge and the care of the children is governed by special financial and other conditions, we think the transfer should be postponed until reasons of economy and administrative efficiency make the Pensions machinery clearly obsolete. In the meantime as much use as possible should be made by the Ministry of Pensions of the visitors of the children's organisation which we recommend and the code of Rules for boarded out children should apply to war orphans as to others. Legislation would of course be necessary to give the central department selected those relevant powers under the Poor Law Act, the Children and Young Persons Acts, the Public Health Act and the Adoption of Children Acts, which do not at present belong to it, as well as the new powers we propose. The broad responsibility of the central department will be to see that all deprived children have an upbringing likely to make them sound and happy citizens and that they have all the chances, educational and vocational, of making a good start in life that are open to children in normal homes.

436. One of the most important means at the disposal of the central department for enforcing its standards and assisting local authorities and voluntary organisations in the work of child care is inspection. We consider that children's Homes of all types should be inspected at least once a year, and more often if they require special attention; and we recommend that the inspecting staff shall be brought up to the number required to maintain this standard of frequency, and in addition to cover the inspection of foster homes and the work of boarding out visitors.

437. One of the first tasks of the central department will be to co-ordinate and complete in collaboration with local authorities the information regarding children's Homes now in existence, their management, character and capacity, which is at present divided between two departments, and to arrange for it to be kept up to date. Our experience has shown that the information at departmental headquarters at present is by no means exhaustive or even always reliable. No doubt war conditions have led to many unreported changes in the position.

#### LOCAL AUTHORITY

438. Turning now to the local authority aspect, the existing confusion is in our opinion even more acute and dangerous than in the sphere of central government. The local authority for one purpose, e.g., child life protection, may be different from the local authority for another purpose, e.g., public assistance, and under a particular authority there may be a division of responsibility among those committees. This may lead to a position in which no one feels actively and personally responsible for the welfare of the individual child,



and in which, as we have heard in evidence, there may even be wrangles between committees as to who shall bear the cost of his support while the child is left without proper care. We consider that all the children without a normal home life coming within the central department's sphere in a particular area should be under the care of the county or county borough council, and under one committee of the council, subject always to the continuance of the voluntary organisations' present activities. The co-option of representatives of voluntary organisations on the committee is in our opinion most desirable, and we think it should be open to the committee to co-opt within narrow limits of numbers other skilled and experienced persons.

439. We have had evidence that many county councils and county borough councils share our view that a single committee should be responsible and are moving in that direction. They are also to some extent tending to remove the care of these children from the sphere of public assistance. Both law and government administration have assisted this development. The Local Government Act, 1929, required the councils to prepare administrative schemes which provided for giving assistance where possible otherwise than through the Poor Law. Under the Poor Law Act, 1930, the councils may, in their administrative schemes, assign the work of the Public Assistance Committee to any other committee of the council. A number of such assignments have been made in respect of the care of deprived children. Where this has been done the most general practice is to hand over the children under five years of age to the Maternity and Child Welfare Committee and those over five to the Education Committee, though the London County Council has till recently made the division at three years and now makes it at two; and some councils have handed over the whole of the care of poor children separated from their parents to the Maternity and Child Welfare Committee or the Public Health Committee. There are some transfers in the other direction, the Public Assistance Committee acting for the Education Committee in boarding out children under the Children and Young Persons Act. We were informed that in fifteen counties and eleven county boroughs full co-ordination of the boarding out arrangements is achieved. It is notable that in two cases, Nottingham and Lancashire, there is a single committee for the care of the deprived child. In Nottingham it is a joint committee of the Maternity and Child Welfare Committee and the Education Committee; in Lancashire a completely *ad hoc* committee. We are clear that all these are moves in the right direction, and that there should be one and only one responsible committee to exercise the duty of care of children deprived of a normal home life. As to which committee this should be we have had conflicting advice. The one point of agreement is that it should not be the Public Assistance Committee or be capable of being described as the Public Assistance Committee under another name. Apart from the expectation that in accordance with the announced intentions of the Government the part of the Poor Law relating to children will shortly disappear, we find a strong impression that the stigma attached to Public Assistance even if called, as it often now is, Social Welfare, is so deeply ingrained that only a completely new approach will enable the authorities to keep clear of it. As between the other existing committees concerned with the care of children, we have received very strong representations that the whole of the work, at all events for children over the age of two, should be entrusted to the Education Committee of the council. It is pointed out by those who take this view that the Education Act, 1944, entrusts the local education authority with the education of children over the age of two and gives it powers to provide residential accommodation for such children; the duty of home-finding for those children who need it would be in line with these functions and easily combined with them. For the infants it has been urged that the Maternity and Child Welfare Committee, which

already provides residential nurseries, should take full responsibility. In opposition to these arguments it has been pointed out that to transfer a child from one committee's sphere to another, especially while it is an infant or a very small child, is not in the child's best interests, which demand continuity of treatment and if possible of surroundings and human relations. It is suggested moreover that the Education Committee being mainly concerned with education of the mind and dealing as it does with constantly increasing duties, may fail to recognise the importance of home-finding and in consequence may tend to treat it as a side issue and to deal with it through office staff.

440. After carefully considering these arguments we favour the establishment of an *ad hoc* committee reporting direct to the council. Such a committee would no doubt contain members experienced in the work of the Public Assistance, Public Health and Education Committees, but would not be in any way representative of or subordinate to those committees (should the Public Assistance Committee be still in existence). This Children's Committee would take the responsibilities that now fall to the council in respect of children not in their own homes under the Poor Law Act, the Public Health Act, the Children and Young Persons Act and the Adoption of Children Acts, and would become responsible for boarding out children where necessary. It would consider the needs of its area for residential accommodation for deprived children and make the necessary provision. It would manage the children's Homes, the approved schools and the remand homes provided by the authority. The combination of boarding out responsibility and the control of children's Homes under one committee is, we think, essential. Children may well be housed in the Homes in preparation for boarding out and should be under the same authority and supervision. The committee would also assume any additional responsibilities arising out of our recommendations for the extension of public responsibility. It would not be in a position, as the local authority is at present, to refuse to accept responsibility for children in need of care and protection.\*

#### CHILDREN'S OFFICER

441. Our preference for the single *ad hoc* committee with power to make recommendations and submit estimates direct to the council is based in part on the need we feel for emphasising the function of home-finding as something separate and distinct from the education and health services given to all children; but in part also on our desire that it should have

##### \* Its functions would thus be—

- (a) The provision and administration of residential Homes for deprived children.
- (b) The boarding out of children now undertaken by the Public Assistance Committee under the Poor Law Act and the Education Committee under the Children and Young Persons Act. Approval of foster homes for other boarding out agencies.
- (c) All functions of the local authority with regard to adoption.
  - (i) Acting as guardian *ad litem* where the local authority is so appointed by the Court.
  - (ii) Investigating the circumstances in cases of private placing for adoption under Section 7 of the Adoption of Children (Regulation) Act 1939, as amended if our recommendations are approved.
  - (iii) The registration of adoption societies.
- (d) The supervision of children placed with foster mothers under the child life protection provisions of the Public Health Acts (as extended if our recommendations are approved).
- (e) The keeping of records relating to all deprived children in its area including those whom the committee has boarded out or sent to special establishments outside the area, and particulars of those in the care of voluntary organisations.
- (f) The appointment of a Children's Officer and the necessary number of boarding out visitors.
- (g) After care of deprived children for whom it is responsible.

as own executive officer with the standing of an important administrative official of the council, in direct touch with the responsible committee, not a member of the staff of the Education Officer or other head of department, however closely linked with existing departments for purposes of office administration. Needless to say we should regard such close links as indispensable. All the services of the health and education departments should be available to the Children's Officer at need, for example the organiser of school meals as dietetic adviser for the children's Homes, the handicrafts and youth club specialists for the organisation of recreational activities there, and the Health Visitors for advice about children's health. We desire, however, to see the responsibility for the welfare of the deprived children definitely laid on a Children's Officer. This may indeed be said to be our solution of the problem referred to us. Throughout our investigation we have been increasingly impressed by the need for the personal element in the care of children, which Sir Walter Monckton emphasised in his report on the O'Neill case. No office staff dealing with them as case papers can do the work we want done—work which is in part administrative, but also in large part field work, involving many personal contacts and the solution of problems by direct methods, in particular the method of interview rather than official correspondence. All the persons who deal with the child—the Superintendent of the Home, the foster parent and the school teacher—should be known as human beings to the officer of the authority to whom the care of that particular child has been assigned.

442. So important do we think it that a Children's Officer should be appointed and should be an officer of high standing and qualifications, that where the children in an area are not numerous enough to provide a full load of work we think authorities should combine and set up a Joint Children's Board with a joint executive officer. Some of the counties might well combine for this purpose with the county boroughs within their limits. There is something absurd about two officials in different streets of the same town boarding out children, one on behalf of the borough, the other on behalf of the county. Even combined, some of these areas would not, on the present basis, provide a case load for a very responsible officer; the load would, however, be increased if our recommendations with regard to widening the scope of public care were adopted. We have no desire to fix a hard and fast limit, but we think that an area with less than 500 children in the classes requiring periodical visiting should *prima facie* be combined with another area. The Joint Board should exercise all the functions in relation to deprived children which in the case of a county or county borough council would be exercised through the Children's Committee, including the administration of the children's Homes in the area.

443. As we envisage the revised organisation which we recommend, the Children's Officer would be its pivot. She (we use the feminine pronoun not with any aim of excluding men from these posts but because we think it may be found that the majority of persons suitable for the work are women) will of course work under the orders of her committee or board, but she will be a specialist in child care as the Medical Officer of Health is a specialist in his own province and the Director of Education is in his; and she will have no other duties to distract her interests. She would represent the council in its parental functions. The committal of the child to the care of a council which takes over parental rights and duties is not without incongruity. To be properly exercised the responsibility must be delegated to an individual, and that individual one whose training has fitted her for child care and whose whole attention is given to it. Though committal by the Court to a "fit person" should, in order to secure continuity

and relieve the officer of an undue burden of liability, be still made to the authority, the Children's Officer would be the *person* to whom the child would look as guardian.

444. Orphan children not living with legal guardians or near relatives would be her care as war orphans are now the care of the Ministry of Pensions officer. Children would be brought to her notice by the police, relieving officers (or the equivalent under any new arrangement for public assistance), parents, voluntary organisations, and the National Society for the Prevention of Cruelty to Children. She would keep full and careful records of all deprived children for whom her authority is responsible, she would place them in suitable homes where necessary and would care for their welfare until they were independent. All placings of children in foster homes not through her office, whether for reward or not, and whether or not with a view to adoption, would be notified to her, and she would be responsible for the supervision of the children. She would also watch over the welfare of the illegitimate children in the area. She would be notified of all children placed in the voluntary Homes in her area and would arrange for them to be visited. She would maintain close contact with voluntary organisations operating in her area. She would be directly responsible, under her committee, for admissions of children to all Homes in the area owned or managed by the local authority and for the maintenance of these Homes at a proper standard. She would apply in suitable cases to the local education authority for the admission of deprived children to boarding-schools. She would keep a list of suitable foster homes for boarding out and inspect those homes or arrange for their inspection. Other local authorities would not board out in the area except through her and on the understanding that the local Children's Committee would undertake the supervision of these children. She would maintain a record of children for whom her committee was responsible who had been placed in another area, and arrange for them to be visited by the Children's Officer of that area. She would be responsible for the supervision of the staff of the local authority's children's Homes and would have a staff of women and probably at least one man performing the present functions of boarding out visitors and child protection visitors, as well as suitable clerical staff. Though the Children's Officer would be responsible to the committee of her local authority we think it important that her qualifications should be approved by the central department before her appointment and also that she should make an annual report to her committee which should be presented to the council and forwarded to the central department. We should hope that when the organisation we recommend is well established, the Children's Officer would be so well known in her area as the authority on children's welfare questions that individual difficulties and problems would be brought to her as a matter of course.

445. We attach great importance to establishing and maintaining a continuing personal relation between the child deprived of a home and the official of the local authority responsible for looking after him. This relation with officials of a central department has been achieved by the Ministry of Pensions for its war orphans. It will not be practicable for the Children's Officer of a large county council or county borough council to know and keep in personal touch with all the children under her care, and she should therefore aim at allocating a group of children definitely to each of her subordinates. The subordinate officer would, subject to accidents, illness, change of employment, and the incidence of retirement, be the friend of those particular children through their childhood and adolescence up to the age of sixteen or eighteen as the case might be.



446. The Children's Officer should in our view be highly qualified academically, if possible a graduate who has also a social science diploma. She should not be under thirty at the time of appointment and should have had some experience of work with children. She should have marked administrative capacity and be able readily to grasp local government procedure and to work easily with local authority committees. Her essential qualifications, however, would be on the personal side. She should be genial and friendly in manner and able to set both children and adults at their ease. She should have a strong interest in the welfare of children and enough faith and enthusiasm to be ready to try methods new and old of compensating by care and affection those who have had a bad start in life. She should have very high standards of physical and moral welfare, but should be flexible enough in temperament to avoid a sterile institutional correctness.

#### HOME-FINDING FOR THE NORMAL CHILD

447. We now turn to the various methods which would be open to the authority through its Children's Officer of dealing, independently or in collaboration with voluntary organisations, with the normal healthy child deprived of a home; and we wish to emphasise once more the extreme seriousness of taking a child away from even an indifferent home. Every effort should be made to keep the child in its home, or with its mother if it is illegitimate, provided that the home is or can be made reasonably satisfactory. The aim of the authority must be to find something better—indeed much better—if it takes the responsibility of providing a substitute home. The methods which should be available may be treated under three main heads of adoption, boarding out and residence in communities. We have placed these in the order in which, subject to the safeguards we propose and to consideration of the needs of the individual, they seem to us to secure the welfare and happiness of the child.

#### ADOPTION

448. Adoption is a method of home-finding specially appropriate to the child who has finally lost his own parents by death, desertion, or their misconduct, and in a secondary degree to the illegitimate child whose mother is unable or unwilling to maintain him. If it is successful it is the most completely satisfactory method of providing a substitute home. It gives the child new parents, with all the parents' rights and responsibilities, who take the place of the real parents so far as human nature allows. Since the Adoption of Children Act of 1926 the number of legal adoptions has been going up by large percentages nearly every year, and the increase between 1944 and 1945 was of the order of 25 per cent. The number in the latter year was 16,357. We were informed by one local authority that there were many more would-be adopters than suitable children available. There is no statistical evidence of the percentage of happy results, but in the absence of evidence to the contrary it is reasonable to suppose that in the large majority of cases the connection turns out well. We investigated a suggestion that an abnormally large proportion of children in approved schools were adopted children. An inquiry covering a sample of 11,000 boys in approved schools does not indicate that there is any significant difference between the proportion of adopted children coming into these schools and in the general population. There are of course cases in which adoption is not successful, either through the development of some mental or physical defect in the child or through a change of heart in adopters whose motives in the first instance were perhaps not free from self-interest. One of the large voluntary organisations told us that the proportion of adopted children among those for whom admission to their Homes was sought seemed high. The failures of which we have heard point to the need for rigorous investigation

before a final decision is made, and the anxiety which has been expressed to us by social workers is partly on this score, and partly on the ground that where proposed adoptions come to nothing because no application for an adoption order is made or because the order is refused there is no guarantee that the child will be removed from the home of the adoptive parents which may be quite unfit for it.

449. The work of adoption societies was reviewed in 1937 by a Departmental Committee under the Chairmanship of Miss Horsbrugh and was subsequently regulated by the Adoption of Children (Regulation) Act, 1939, which came into effect in 1943. It is too soon to review the working of that Act, and we do not wish to make any recommendations with regard to adoption societies other than that they should notify the placing of a child to the appropriate local authority. Some of them already do so, and indeed use the authority's Health Visitors to inspect the home. The extension of the range of notification should bring to light any laxities in the practice of particular adoption societies and make it possible—as it is desirable—for these to be brought under the notice of the local authority which has registered the society. Most of our witnesses dealing with adoption have pressed for the application to other methods of adoption of the precautions required for adoption society placings: these by implication therefore are generally regarded as adequate. Only a small proportion of legal adoptions (under 25 per cent. in 1944) are however arranged by adoption societies. The rest are arranged by the parent direct, by a "third party" or by a local authority. In the "third party" case there is a provision in the Adoption of Children (Regulation) Act for notifying the welfare authority of the placing of a child under 9 years of age, and for the investigation of the circumstances by the child protection visitor of the local authority under provisions similar to those of the child life protection service. In the case of adoptions arranged by the local authority such precautions are no doubt taken as the authority thinks proper. But in a private placing by a parent there is no public supervision or investigation unless and until an application for an adoption order is made, and the danger to the child is as great, if not greater, than Miss Horsbrugh's Committee found to exist in the case of children placed by adoption societies.

450. We think that the interests of the child require in all cases (1) a probationary period to enable the adopters to test their own inclinations and make certain that they can really give a parent's care and affection to the child; (2) some degree of public supervision during that period; (3) some provision for removing the child from an unsatisfactory home and finding it a home elsewhere, either during the probationary period or when an adoption order has been asked for and refused.

451. A probationary period (3 months) is required in adoption society cases before an order can be applied for, and a further 3 months are allowed before it must be applied for or the child returned. Local authorities have power under the Poor Law Act, Section 52, sub-section 7, to arrange *de facto* adoptions with a period of probation up to 3 years in length. Some authorities we understand require an adoption order to be applied for in such cases after a period of not more than 6 months. For private and third party adoptions there is no prescribed period of probation, unless the Court makes an interim order. We recommend that the Court should in all cases, however they may have been arranged, require evidence of a successful probationary period of residence of at least 3 months before a decision is given, with an extension of the period to not more than 6 months at its discretion. It is of course open to the Court to make an interim order where longer probation seems desirable, as it well may be in the case of

very young children suspected of physical or mental defects. We are advised, however, that with developing medical skill and an increase in the number of qualified practitioners it will be possible to diagnose such defects with confidence when the infant is 9 months old, or even as early as six months.

452. During the probationary period all children placed with a view to adoption should in our opinion come under the supervision of the Children's Officer, though the degree and method of supervision might vary in the different cases. If our recommendations in paragraph 424 are adopted the person receiving the child for other than temporary purposes, whether it is under or over 9 years of age, unless he or she is a near relative, would be obliged to notify the fact to the local authority (Children's Committee). This would apply whatever agency had placed the child, and we consider that the Children's Officer should have the home inspected, and visited periodically during the probation period (unless she is satisfied that supervision by officers of an adoption society is being efficiently done) and should equip herself to supply all necessary information when the matter comes before the Court.

453. The 1926 Act obliges the Court in dealing with an application for an adoption order to appoint a guardian *ad litem* to make the necessary inquiries and represent the interests of the child. The appointment of a Children's Officer with appropriate staff would make it natural for the magistrates to appoint her or one of her subordinates as the guardian *ad litem*, rather than members of the local authority's staff without special qualifications for the work, who we understand are sometimes employed at present. We think that the magistrates should be advised to do this, except in a case where the local authority, through its children's officer, has itself arranged the adoption; in such cases the spirit of the statute requires that an independent person should be appointed guardian *ad litem*. It has been suggested to us that the reports of guardians *ad litem* are often perfunctory. If so, it is for the Courts to insist on fuller investigation. We can only stress the importance of seeing that such investigation is made and using the right agents for making it.

454. We think it highly important to clarify the position as regards the responsibility for a child found to be in an unsatisfactory home, either during the pre-application period or when the application for an adoption order is considered. Adoption societies now remain responsible for the child during the probationary period, and are required by law to take the child back if an order is refused. In the case of third party placings the welfare authority may apply to a court of summary jurisdiction, or in an emergency the child protection visitor may apply to a justice of the peace, for an order for the removal of a child from a "detrimental" environment; but there is no such provision in the case of "direct" placings, unless the child's need of care or protection justifies action under Section 62 of the Children and Young Persons Act. We consider that application to the Court or to a justice of the peace should be open to the Children's Officer in all cases (though where the matter is in the hands of an adoption society she would be unlikely to exercise it). Further, we think that in cases where the placing has not been made by an adoption society, if an adoption order is refused on the ground that the home is unsatisfactory, the magistrates should be empowered to make an immediate order, without further application, committing the child to the care of the local authority. It would then fall to the Children's Officer to find the child a home if it proved impossible to return him to his parents. (We are informed that in a large number of such cases the mother cannot be traced.) There would of course be no need for the order suggested if the adoption order had been

refused for some reason not reflecting on the satisfactoriness of the home. In that case the question of legal guardianship might be raised. (See above para. 425 (ii).)

455. We have heard some disquieting evidence about adoption agencies not covered by the terms of the Adoption of Children (Regulation) Act. There is in that Act nothing to prevent "third parties" who are in a special position in relation to infant children—e.g. a matron of a nursing home—making a business of arranging adoptions without proper inquiry as to the home to which the child is sent and without any security that an adoption order will be applied for. There may be nominally no fee for the service, but there appears sometimes to be a concealed fee—e.g. in the form of work by the mother of the child given before and after the birth or as part of the overall payment made for the confinement. There may even be an illegal payment by the persons receiving the child which would be very difficult to discover. The "third party" is obliged to notify the placing to the welfare authority, but this falls far short of the precautions required from an adoption society. Our evidence moreover indicates that where large numbers of children are disposed of in this way soon after birth there is insufficient attention to the risks of travelling and change of environment which are entailed. We think that private persons should be prohibited from arranging adoptions in the sense of inviting applications and handing over the children direct to the adopters. It is difficult to avoid ruling out bona fide acts of personal kindness by such a prohibition, but it should be possible to place the onus of showing why he or she should not be regarded as breaking the law on any person who had placed as many as three infants for adoption in a single year. They would come under notice through the notification procedure.

456. We see no reason why the investigations into the health of the child and the adopters should be less thorough in the case of direct "third party" and local authority placings than they are in the case of placings by adoption societies. Before an order is granted the Court should require the child to be medically examined in all cases, and the adoptive parents should be required to complete a declaration stating that they have not suffered from tuberculosis, epilepsy, mental disorder or heart trouble. Where there is doubt as to their state of health—i.e. where a disease is suspected which might endanger the child's welfare—the adopters should be medically examined.

457. We have had some evidence that adoptive parents who have been refused an order by one Court may be successful in another. Applicants for an adoption order are already asked for a declaration that they have not been refused an adoption order by another Court in respect of the child concerned. We think the declaration should also cover an application in respect of any other child. Where a refusal is admitted the Court would be put on its guard and could have additional inquiries made.

458. Under the Adoption of Children (Regulation) Act, 1939, the local authority which registers an adoption society must satisfy itself that the society employs "competent" officers for making arrangements for adoption. No standard is laid down as to what constitutes competence. We recommend that local authorities be advised that adoption societies should employ officers of similar qualifications to those of the boarding out visitors employed by the local authorities themselves. In both local authorities' and voluntary organisations' services there are experienced and valuable visitors without academic or other formal qualifications. We recommend below (Appendix I) a form of special short-term training for such workers.

459. The points we have dealt with in relation to adoption are those which seem to us directly to affect the safety and welfare of the child. A number of other points have been raised by witnesses, relating for example to Court



procedure, laws of inheritance, and the protection of the adopters, which we regard as for consideration by departments dealing with adoption questions, but not within our terms of reference.

#### BOARDING OUT

460. We have placed boarding out next because of the view expressed in nearly all quarters that it is on the whole the best method short of adoption of providing the child with a substitute for his own home. In view of this general opinion it is rather surprising to find that of the 125,000 children coming within our first survey, only 31,000 are boarded out, and 11,000 of these have been placed in foster homes without the intervention of any public authority or the application before placing of any generally recognised standard. The main reason for this seems on investigation to be a shortage of satisfactory foster homes. Till 1945 the rules of the Ministry of Health did not permit the boarding out of any but orphan or deserted children and children "adopted" by the public assistance authority, though exceptions were authorised. This restriction has now been removed, but it appears that even before the removal there were not enough homes for the children. The Home Office on the other hand insist on the boarding out as soon as possible of children committed to the local education authority as "fit person." Some of the large voluntary organisations (e.g. Dr. Barnardo's Homes and the Church of England Children's Society, formerly the Church of England Waifs and Strays Society) make it a practice to board children out, others (e.g. the National Children's Home and the Catholic Child Welfare Council) differ from the general run of opinion in being averse from doing so as a general policy. Even the former group, however, have most of their children in Homes. It must be remembered also that a considerable proportion of the children are unsuited by habits, age, or by physical or mental condition to be placed in a private house. We are told that older children are difficult to place, and boys more difficult than girls. Coloured children can hardly be placed at all. Children whose own parents are in the neighbourhood do not settle well in foster homes.

461. When all these factors have been allowed for it remains true that far more children could be boarded out if there were suitable homes for them. We should like at this point to deal briefly with the principle that (adoption apart) boarding out should be regarded as the ideal method of disposing of the children. We think this is true where the home is in every way satisfactory and suited to the particular child. The evidence is very strong that in the free conditions of ordinary family life with its opportunities for varied human contacts and experiences, the child's nature develops and his confidence in life and ease in society are established in a way that can hardly be achieved in a larger establishment living as it must a more strictly regulated existence. For this reason we strongly deprecate the system which obtains in one charitable organisation of boarding out the children as infants and bringing them in to an institution at school age or a little older, even though their foster parents are anxious to bring them up in their homes and send them to the local schools and the children themselves are happy and well cared for. But as soon as the foster home falls below the entirely satisfactory standard, the institution—at all events the institution based on the small family group—begins to have advantages. Supervision of individual children placed in private houses is obviously much more difficult than supervision of groups under the care of employees of a local authority. If the foster parents are to any extent attracted by the payment made for the child and are themselves living on the verge of poverty the child may well suffer in bad times. There are also the various emotional dangers arising from changes of family circumstances—e.g. the return of a father from the Forces or the second marriage

of a widow, or merely a change of mind in the foster mother towards the child. The primary requirements of the children for whom the substitute home must be provided are affection and stability. There is no doubt that these essentials have been secured in many foster homes, but we wish to say emphatically that no risk should be taken in this very serious matter. If there is a doubt about the home the child should not go there. We feel obliged to deprecate insistence by the central department on the boarding out of any particular class of children. This has been done in the past with the "care or protection" children committed to the local authority, and though we understand that the policy has led to a useful development of the boarding out system, we fear that it has also had the effect of causing sub-standard homes to be too readily accepted. The O'Neill case supplies an example. It must be remembered that supervision and the possibility of removing the child from a bad or indifferent home are not a satisfactory safeguard, because the removal itself is bad for the child, who has already had at least one complete change of environment. Children undergoing several changes of foster parents are often worse off than if they had never been boarded out at all.

462. To sum up, our conclusion is that whereas the best foster home care should be used to the maximum, subject always to the suitability of the individual child for boarding out and for the home in which it is proposed to place him, it would be wrong, in view of the limitations placed on boarding out by the number of good foster parents available and the risk to the child where the home is less than entirely satisfactory, not to develop to the full, side by side with boarding out, an alternative form of compensation for the loss of a normal home life. Where voluntary organisations specialise in such alternative forms of care, we do not think they should be pressed to change their system.

463. The shortage of suitable foster homes has been explained in our evidence mainly by the following circumstances:—

- (i) The weariness induced by war conditions, which has made a number of very suitable foster parents who have housed evacuated children feel a strong desire now that peace has returned to have their homes to themselves. We are informed that only a small proportion of billetors are recommended as foster parents, approved by the local authority concerned, and willing to continue;
- (ii) There is a strong dread of becoming attached to a child who may be removed after a year or two from the foster parents' care. Interference by the child's real parents is feared and disliked;
- (iii) Recent cases reported in the Press have given rise to the fear that foster homes will be very strictly supervised and that there will be frequent inspection and criticism;
- (iv) Some of our witnesses considered that the allowances were insufficient and that a foster mother should be specifically rewarded for her service as well as compensated for the cost of the child's upkeep, but this view is not unanimously held;
- (v) As regards privately placed children, the uncertainty of the payments acts as a strong deterrent;
- (vi) The employment of women on work outside their homes and the absence of their husbands on war service has for some years made it difficult for them to assume extra household burdens and responsibilities;
- (vii) The housing shortage has reduced available accommodation.

Only the first and the last two of these difficulties will be reduced by the course of time; the fourth and fifth might be removed by deliberate action.

464. We should add that the experience of evacuation, notwithstanding the reaction referred to in paragraph 463 (i) above, suggests that there is a large potential additional supply of foster homes. This conclusion is strengthened by evidence that homes were forthcoming for the Refugee Children's Movement, which boarded out some 9,000 children immediately before the war. There is reason to think that success in securing foster homes varies to some extent with the vigour and enthusiasm of the local authority. Figures have been supplied to us which show that taking two comparable largely rural counties, the proportion of children boarded out is 49 per cent. in one case and 80 per cent. in the other, and of two seaside resorts one has boarded out 82 per cent. and the other only 17 per cent. More co-operation between neighbouring authorities would probably have led to a larger number of placings.

465. A vigorous effort to extend the boarding out system for children in the care of local authorities should in our view be made, so far as homes of good standard in all respects can be found. The task of finding foster homes should be entrusted to trained visitors on the staff of the Children's Officer; we have been impressed by the extent to which at present it is left to untrained staff. Advertising, we understand, is generally regarded as unfruitful, though we have had evidence from one county council which has found a recent advertisement successful. The wording of the advertisement is important. A request for a good home for a child of whose circumstances some particulars are given appears to produce more suitable offers than any suggestion of a money transaction. Accounts in the public Press of particular children appearing before the Courts sometimes produce a large number of offers, the force of the appeal being perhaps due to the vividness with which the circumstances of the child in question are brought before the imagination. We think it is very likely that a fresh attempt to bring the need to public notice with the assistance of agencies with local branches, for example the Women's Institutes, the Townswomen's Guilds, Women's Co-operative Guild, the Women's Societies of the various Churches and the Women's Section of the British Legion, would produce a considerably increased number of offers, and we think it would be worth while to undertake this with a view not only to increasing the total number of offers, but also to placing children in more of the comfortable middle class homes which have room for them. The general position at present as regards foster homes in this country is that they are found almost entirely among the weekly wage-earners. We are inclined to think that there has been a tendency to assume that a child should not be placed in a "better class" of home than the home it came from. This seems to us an irrelevant consideration when choosing a permanent home, at all events for a very young child. An appeal to the public would of course have to be delicately handled if it were not to produce large numbers of unsuitable applications. Continued publicity would have to be directed to keeping the need before the public, and carefully explaining the work and responsibility involved. The actual investigation and approval of the homes offered would be the responsibility of the Children's Officer. Personal recommendations from any reliable source, supplemented by the advice of persons of standing with local knowledge, and most careful visits of inquiry, probably offer the best means of finding additional homes. Concentration of this inquiry in the hands of one agent and that a trained and skilled person should greatly improve the position. At the present time voluntary organisations and the various local authority

committees concerned with children compete against each other for suitable foster homes, and it may even happen that a child is placed by one authority or one department of an authority in a home which has been rejected by another; or children may be placed in a single foster home by separate authorities without each other's knowledge. The Home Office and the Ministry of Health have already urged local authorities to combine the work of home-finding for the Public Assistance and Education Committees, and under our proposals the duties of these committees in respect of deprived children would be combined.

466. The interviewing of the prospective foster parents by the staff of the Children's Officer should be thorough, and should include both parents (it may be that the wife wants the child but that the husband's consent is unwilling). Two references should invariably be taken up preferably by personal interview. Reference should be made to the police to see that the record of the foster parents is clear, and in country districts to local residents likely to be acquainted with the family—e.g., the vicar, the vicar's wife, the headmaster of the school, the doctor and doctor's wife, and so on. Possibly a small standing advisory committee could be formed for the purpose. This procedure should apply not only to homes found by the local authority, but also to homes in which the child is with relatives who have applied for a boarding out allowance for his support. We understand that this is frequently the origin of a boarding out arrangement. The advantages of natural affection in such a home may outweigh some inferiority of accommodation, but the committee should be satisfied that it is not of a character to be detrimental to the child. We have had evidence which convinces us that many persons of the right type would be forthcoming to take care—short of adoption or full-time fostering—of a child for school holidays throughout the child's school career, and to that extent meet its need for a family background. We strongly commend this plan in the case of those deprived children who are boarded at charitable institutional schools or who will be placed in boarding schools under the Education Act, 1944.

467. Approved offers of foster homes should be compiled in an informal register by the Children's Officer. A formal register, inclusion in which was notified to the foster parents, might be embarrassing, as there might be difficulty in removing the foster parent from the register when circumstances changed. The list compiled by the Children's Officer should include all homes in which boarded out children may be placed either by the local authority or by other local authorities or by any voluntary organisation, so avoiding the present competition for foster homes among voluntary and official bodies. Once the child is placed we see no reason why voluntary organisations should not supervise children in their care provided that they employ qualified visitors. Any foster home which is on the Children's Officer's list, but has not been recently inspected, should be re-inspected before a child is placed there by the authority, or if a notification of a private placing there is received. A home not on the list in which a private placing is notified should be at once inspected, and the Children's Officer should apply for an order to remove a child if the conditions are unsuitable.

468. The conditions which in our view are essential to successful boarding out are: congeniality between the child and both foster parents and a real prospect of security and the development of mutual affection; willingness on the part of the foster parent to further the interests and abilities of the child and to accept help in doing so; good wholesome conditions of living, however simple, not under the shadow of extreme poverty or precarious livelihood; a location where the child can share in local life and know the neighbours. On the whole our evidence indicates that the outskirts of a town or a



village not too far distant from a town with good educational and recreational facilities, is the most hopeful location. Boarding out in a lonely farm may be excellent, but the risk that if it is bad this will not be found out in time is too great to be taken. We must emphasise the importance of relations of mutual confidence between the boarding out officer and the foster mother. Generally speaking the foster mother should be given all the information available about the history (both family and medical history) of the child; and the course she should take in the event of illness or other difficulty should be made clear to her.

469. The question of payment to foster mothers is a very difficult one. Present local authority rates vary considerably throughout the country. In some areas the education department and the public assistance department of the same council do not pay the same rates. The maximum allowed by the Home Office is 20s. a week, plus an initial allowance of £12 for clothing. The Ministry of Health fix no limit to what a local authority may pay, and indeed have no power to do so, but excessive payments could be questioned by the District Auditor. A few public assistance authorities pay rates above the Home Office maximum. The average for the country seems to be about 16s. a week, inclusive of clothing which is often assessed at only 2s. to 3s. per week. The larger voluntary organisations are unifying their rates at 18s. inclusive. We have received very little evidence suggesting that the scale of payment in a particular case does not cover the cost of keeping the child, but a good deal of evidence in favour of greater uniformity. We see no sufficient reason in present circumstances for a variation in the rate of weekly allowance in different localities, and we recommend that this should be standardized. Some variation in the allowance for clothing would however in our opinion be justified, and we think not less than £12 a year should be allowed for this item. A child in a middle class home would no doubt have more spent on him than a child in a poor home, but we do not think it would be proper to graduate the allowance on that account. Standard allowances might reasonably be reduced in due course by the saving due to the provision of a free mid-day meal at school. On the other hand the element of wear and tear to house and furniture might be taken into account in special cases, as might physical or mental difficulties which make the child difficult to care for.

470. We have received representations from various witnesses that the payment to the foster mother should include an element of remuneration for her trouble. The amount suggested is 20s. a week. There is something to be said for this proposal, on the ground that the mother is doing work for a public authority in caring for the child and that her labour deserves reward. There would also be the advantage that greater pressure could be put on a paid foster mother to perform her duties efficiently. On the other hand if she required such pressure she would not be the right type of foster mother, and some of us feel that the acceptance of payment for the work cuts at the root of the relation between foster mother and child which we wish to create. The evidence is conflicting as to whether at the present time the prospect of financial gain is an important incentive to offers of foster homes. Some organisations consider that it is the ruling motive; others are just as convinced that it counts for very little. We are sure that it should not be an important motive where the child is received into an established household and we recommend that the basis of payment shall not be changed so as to include remuneration.

471. An interesting suggestion has been made to us from more than one quarter that the methods of placing children in homes should include an arrangement with a woman who has a home of her own but must work

to maintain herself, by which she takes a number of children and is paid a living wage. The distinction between this arrangement and the "scattered home", in which the local authority makes arrangements for a group of children in the care of a foster mother in a house detached from other houses used for the same purpose, is a very fine one. It lies mainly in the use of the foster mother's own home. There is a good deal to be said for it where the home is thoroughly suitable for the purpose and the woman is well fitted for employment as a foster mother. There is, of course, no objection to remuneration for the work where the woman is a full-time servant of the authority. We think offers of this kind should be favourably considered by local authorities. It might be a particularly suitable way of providing a home for a large family of brothers and sisters who should be kept together and could not be fitted into a single Home forming one of a group. The home would, of course, have to be visited and supervised like other foster homes.

472. We recommend that the rules laid down by the central department governing the conditions under which children may be boarded out should be generally applicable—i.e., to boarding out by voluntary organisations as well as to boarding out by public authorities. We have examined the two sets of rules issued by the Home Office under the Children and Young Persons Act and the Ministry of Health under the Poor Law Act and most of the rules now laid down appear to us to be satisfactory. We have already deprecated (para. 461) what appears to us to be an undue insistence on boarding out in the Home Office Rules. We doubt the necessity for the limitation imposed by both departments on the number of children to be placed with one foster parent. That number should in our view depend on the circumstances and personality of the foster mother and the accommodation in the home. We think it undesirable to place a child in a foster home where there are no other children if this can be avoided. The rules laid down by the Home Office for frequency of visiting (once in three months) and for medical examination (within the first month of residence) seem to us preferable to the corresponding Poor Law arrangements. We have given close consideration to the rules regarding the weight to be given to "religious persuasion" in selecting the home for the child. The Home Office Rule, following the Children and Young Persons Act, is that the authority shall "if possible" select a person who is of the same religious persuasion as the foster child or who gives an undertaking that the foster child will be brought up in accordance with that religious persuasion. The Poor Law rule lays it down that a child shall not be boarded out or be allowed to remain boarded out with a foster parent of a different religious creed. It seems to the majority of the committee that a regulation is unjustifiable which may involve keeping a child in an unsatisfactory environment, or removing him to a less satisfactory one, merely because the only good foster home available is of a different denomination from that assigned to the child, perhaps a very young child, on the facts available.\* We have had evidence that in the present shortage of foster homes this situation has in fact arisen and causes some concern to local authorities. On the other hand we all feel that a genuine effort should be made to find a home of the appropriate denomination, and we deprecate an arrangement by which the child follows different religious observances from those of the home in which he is placed.

473. The control of boarding out by a boarding out committee is compulsory under the Ministry of Health Rules and permissive under the Home Office Rules. We contemplate a Children's Committee to take charge of all the finding

\* A reservation by some members will be found on page 183.

or substitute homes by a local authority, and it would be for that committee to appoint one or more boarding out sub-committees, if it thought fit, to consider questions arising on that side of its work. We do not, however, contemplate that members of such a sub-committee should in any area take responsibility for the supervision and personal visiting of foster homes as may be done now under both sets of Rules. For this work we think a trained and skilled officer of the committee should invariably be employed for the minimum statutory number of visits. If a boarding out sub-committee were appointed it would perform such functions in relation to the oversight of the boarding out visitors, and the action taken on their reports, as were entrusted to it by the main committee. Members of such a sub-committee could also play a most important personal part by taking a friendly interest in the children and the foster mothers, inviting them to their homes, introducing them to people who would play the part of a friend and seeing that the children take a full part in the life of the neighbourhood.

474. We contemplate each Children's Officer having under her one or more boarding out visitors each responsible for the supervision of 100 to 150 children on a basis of visiting at least once in three months. Where the home is found to be thoroughly satisfactory and the child is flourishing we think this is sufficient. More frequent visits would of course be necessary where there was any cause for anxiety. The children to be visited would include children coming within the scope of the extended child life protection service which we recommend (i.e. privately placed). The visitors should be trained on rather different lines from the workers for whom we recommended a Child Care Course in our Interim Report. They need more knowledge of social conditions, and more skill in rapid diagnosis of an unsatisfactory relation between child and foster-parent; they should also be trained in the right method of approach to persons visited so as to gain confidence and create pleasant relations. We have received recommendations from some witnesses that Health Visitors should be used generally for this work, but we are unable to agree that they have as a class all the qualifications required, though excellent recruits will no doubt be found among them. We make recommendations for the training of boarding out visitors in Appendix I to this Report. Boarding out visitors employed by voluntary organisations should have similar qualifications. It is essential that children boarded out with foster parents should be covered by the same health service as those in normal homes. Supervision of foster homes on behalf of the Children's Committee is equally indispensable. We have considered whether there should not be some combination of visiting functions in respect of children under 5 years of age, but have come to the conclusion that the duplication of visits need not be on such a scale as to be unwelcome to the foster parent and lead to friction. We understand that for certain children supervised by the Ministry of Pensions double visiting is avoided by mutual consent, so long as no health problem arises. We think it very important that close touch should be maintained with the child's teacher at school, so that for example prolonged absence of a boarded out child from school, his apparent ill-health or unhappiness or the missing of the school medical examination, would be reported by the teacher to the visitor. With the concentration of the central Government work in a single department we assume that the inspectors of that department would have the right of entry to foster homes for inspection purposes as the Home Office and Ministry of Health inspectors have now.

#### FOSTERING

475. We have considered whether the private boarding out or "fostering," now arranged direct between the parent of the child (generally illegitimate) and the foster mother, could be brought under the full control of the Children's

Committee and Children's Officer. This would involve requiring the mother to consult the Children's Officer before placement and to place the child only with a foster-mother on the approved list. We have already proposed that notification by the foster parent before placing should apply to the child placed for no reward, and to the child over 9 years of age, as it does now to the child under 9 placed for reward. We have concluded with regret that this is as far as public control can be carried, and that to require preliminary notification by the parent as well might lead to wide-spread evasion and an increase in the number of placings without any notification at all. This is already very considerable. We are informed that of 6,527 children ascertained as at 1st January, 1945, to be fostered in county council areas 942 had not been notified. The corresponding figures for county borough areas are 2,135 and 488. We recommend that suitable publicity be given to the legal requirements in such circumstances. We recommend also that the "Birmingham" system by which the local authority guarantees payments to approved foster-parents receiving children by private arrangement, and recovers these payments in whole or in part from the responsible parent, relative or guardian, should be adopted by all local authorities. Where the child is in the area of an authority not chargeable for its support, there should be power to recover the cost from the authority which is chargeable. There is much evidence that the uncertainty of payments in this class of case tells against the continuance of a happy home for the child. The "Birmingham" scheme is now operated under Maternity and Child Welfare powers and limited to children under 5; it should be extended to children of all ages and managed by the Children's Committee of the local authority. There should be statutory power to recover payments from the parent or guardian. The authority should also have power to make supplementary grants for clothing.

#### INSTITUTIONS (RESIDENTIAL COMMUNITIES)

476. The difficulties in the way of boarding out, or arranging adoption for all the children for whom a home life must be provided are obviously very great, and we think that the need for institutional care must be faced, with the aim of making it as good a substitute for the private home as it can possibly be. Some of our witnesses have foreseen the gradual elimination of the institution as social services are improved and the number of "deprived" children reduced to those for whom good foster homes can be found. We hope this may be so, and we realise the probable effect of such measures as family allowances and social insurance in limiting the extent of the problem; but we doubt whether the next 10 or 15 years will bring us to the stage at which institutions can be dispensed with, or even in sight of that stage. As we have pointed out, there are some groups of children who cannot be placed in foster homes and these groups will continue to exist, though their numbers, it is hoped, will be reduced, and this should be borne in mind in drawing up building programmes. There may even be, as we suggest below, a place for the institution as the administrative centre of a group of foster homes. But apart from these considerations we think community life can be developed on satisfactory lines as the alternative form of child care to which we have referred in paragraph 462 above. The institution, or large residential community, has, of course, certain advantages to offer—amenities for the children such as swimming baths, gymnasias and large halls for entertainment, a greater choice of friends and activities than in the small private home, and often the society and friendship of more cultivated and educated people. This is recognised even by those who most emphatically advocate the boarding out system.



477. The dangers of institutional life for children, even where the institution is well managed, arise out of the tendency to a lack of interest in the child as an individual and to remote and impersonal relations. Many children in Homes are physically better cared for as regards food, clothing and accommodation than they would have been if they had remained with their parents and their parents had given them ordinary parental care. We are, however, convinced by what we have seen ourselves and what we have heard from our witnesses that, on the human and emotional side, they continually feel the lack of affection and personal interest. The longing for caresses from strangers, so common among little children in Homes, is in striking and painful contrast to the behaviour of the normal child of the same age in his parents' home. The lack of the mother's fondling cannot of course be entirely made good, but something must be provided which gives the child the feeling that there is a secure and affectionate personal relation in his life.

478. After very careful consideration we have come to the conclusion that this can best be accomplished in the institutional sphere by placing him at the earliest possible age in a small group of children of various ages under the care of a trained and sympathetic house mother or house mother and father. What the age should be is a matter on which there is some diversity of opinion, but it is generally urged, and we concur, that infants under the age of 12 months should be in an establishment specially arranged to meet their needs and giving highly skilled and specialised attention to their physical health, and that a child of that age in the Home might give the average house mother too heavy a burden. We therefore advocate residential nurseries for all children up to 12 months and for older infants not over 2½ years and not yet boarded out or placed in a family group. We should not wish to rule out the possibility that where a house mother is fully trained and has adequate help and her charges are at school in the day time she might receive a baby over 12 months and under 2½ years old into her family unit, though we feel that for some time to come the majority of house mothers will not be qualified to take responsibility for infants. Such an arrangement is good for the elder children, and saves the baby a break in continuity at a difficult age. Full advantage should be taken of any nursery school facilities to relieve the house mother of the care of the child over 2 for part of the day. Once admitted to the group the expectation would be that the child should grow up to the age of 15 or 16 as the house mother's personal charge, and should come to feel some of the same reliance on her concern and affection that the more fortunate child has towards his own mother. This does not of course mean that there would be an embargo on other opportunities for the child, e.g. adoption, should these present themselves, but it would mean that the authority would not feel obliged to seek for other means of disposing of the child so long as he seemed to be suited to his environment.

479. Our proposals involve local authorities providing nurseries, and Grouped or "Scattered" Homes within their areas for all normal healthy children who cannot be dealt with by boarding out or are not provided for in voluntary Homes. It has been suggested to us that as an alternative to providing the Homes, local authorities should place the children in Homes run by voluntary organisations and pay the cost of their maintenance. We prefer, however, not to rule out publicly conducted establishments, though we should expect local authorities to make use of available places in approved voluntary Homes wherever convenient. Indeed we see much advantage in continuing a friendly rivalry between the two types of Home.

480. It is essential that local authority Homes should be entirely detached from adult institutions. Though we have seen some admirable nurseries under the control of the master of a workhouse and his wife, we think the

combination of duties is in general most undesirable and we are glad to note that this view was expressed by the National Association of Administrators of Local Government Establishments giving evidence before us. We consider that the permission to retain a child in normal health in an adult institution for even so long as six weeks should be withdrawn, except for babies with their mothers. Other children should not be received into workhouses except in emergency, and then for not more than 24 hours.

481. In view of the special dangers inherent in the congregation of a number of infants in one building, we think definite rules should be laid down with regard to the size, position and internal arrangements of nurseries. The ideal is that the total number of infants should not be over 20. Where possible the nursery should be placed close to the Cottage Homes with which it is grouped. The large dormitory should be avoided and the sleeping room split up into a number of small units. If the infants can be in small groups during the day time, each continuously in the charge of one nurse, so much the better. Every nursery should have a proportion, not less than 25 per cent., of single sleeping rooms for infants under 12 months where they can be nursed separately if necessary. We see no need for the continuance of separate powers in the Public Health authority to maintain residential nurseries; it is preferable that nurseries for deprived children like other Children's Homes should come under the administration of the Children's Committee, to whom the advice of the Medical Officer of Health should of course be available. If the Public Health powers are retained there should be statutory power (there is none at present) in some central department to inspect the nurseries.

482. We do not consider that children who come into the charge of the authority above the nursery age should be immediately placed in the Home in which they are to remain. We have received almost unanimous recommendations from our witnesses in favour of what are variously described as reception homes, sorting homes, or clearing stations. The need for these is, according to witnesses from the Ministry of Health, one of the important lessons learnt from evacuation experience. It appears from Section II of our Report that this need is met in large measure at present on the Poor Law side—but most unsatisfactorily met—by housing the children for the time being in workhouses. We recommend that in the area of each responsible authority there shall be at least one reception Home. Some authorities already make this provision. Such establishments can, we are satisfied, serve several purposes. The first is medical, to see that the child is free of infection, clean, and trained in bodily control. The second is observational—to see whether the child is normal and well adjusted to society, or requires some special treatment to restore him to normality. It is essential therefore that medical and psychological advice should be available at such centres though we recognise that specially difficult cases will require closer and more specialist study than can be provided there. We have received interesting evidence about a successful home run on these lines at Stockholm. The child should not, however, be kept in a temporary home for a moment longer than is necessary. We do not think observation should last for more than a few weeks at the outside.

483. Reception Homes need not be arranged in small family groups, though some segregation will no doubt be necessary for medical reasons and the buildings should be planned accordingly. There should be nursery accommodation in them for children of nursery age or separate residential nurseries for such children. The Homes can serve, and in our view should serve, as "places of safety" for children needing care or protection under the

Children and Young Persons Act, 1933, as well as for the first refuge of destitute children. It is however highly undesirable that, as sometimes happens now, a child should be taken to a reception Home as a "place of safety", and retained there indefinitely because of delay in bringing the case before a Juvenile Court or in obtaining a decision. Section 67 of the Children and Young Persons Act, 1933, which provides for the child's detention "until he can be brought before a juvenile court", requires strengthening to ensure his being brought there without delay. We think also that with due precautions against the spread of childish ailments and with skilled and careful control and supervision, reception Homes could serve as the "short stay" Homes which are needed for children whose parents are for short periods unable to look after them, e.g. because the mother is having another baby. A striking fact that has emerged from our evidence is the large proportion of Public Assistance admissions which are of the "short stay" character. The proportion has been put as high as 60 per cent. by the National Association of Administrators of Local Government Establishments and this is confirmed by the evidence of the London County Council. The evidence is that more accommodation of this type is badly needed, and we hope that voluntary organisations as well as public authorities will consider means of providing it. We also think that there is a great deal to be said for using reception Homes as remand homes for small children, say under the age of 12. While we recognise that older children who have been remanded by the Juvenile Courts may be of a confirmed delinquent character and may therefore need a separate type of establishment, we are convinced that it is difficult, if not impossible, to distinguish between the small child needing care or protection on account of his own naughtiness (e.g. because he is a truant or beyond control or even because he has been guilty of pilfering) and the child needing it on account of parental neglect. The Juvenile Court may prescribe different treatment for the two at a later date; or it may take the view that for the small "delinquent", as well as for the child removed from a bad home, good home conditions in a new environment are the best treatment; it may commit both to the care of the same authority (under our proposals the Children's Committee of the area). In either case we see no reason why during the period of waiting for a decision the child should not be with other children in the reception Home and be reported on by the skilled observers there. It should be noted that the age at which a child can be charged with an offence (8 years) is very low. If it were raised (say to 12 years) no question would arise of treating young "delinquents" removed from their homes for their own protection or that of society in any different way from other children needing care or protection. They would in fact be children needing care or protection as they could not be the subject of a criminal charge. It is essential that accommodation in the reception centre should be sufficient to meet not only probable average needs but the needs of a peak period—in other words that there should normally be space to spare. We are informed that this was so before the war in children's Homes generally, and we hope that it will be so again. Another essential in this type of establishment is the provision of ample play material to keep the children interested and amused during the period of waiting.

484. The children found in the reception centre to be normal and healthy and needing long-term care will (except where adoption, boarding out, placing in an approved voluntary Home, or committal to an approved school is arranged) be placed in nurseries or in suitable family groups with due regard to age and the ages of the other children already in the group. Where local authorities and voluntary organisations now house the children in their care in large institutional buildings which they will be unable to replace for some time to come, they should attempt to introduce the group system by breaking

up the community into small units, each under its own house mother, occupying one floor or block of rooms in the building and taking meals at a separate table. By this means it has been found that some of the advantages of the family group can be secured. The babies would ordinarily come on from the nurseries to these family groups at the age of about 2 years. A break in association must be avoided so far as possible, and the nursery nurses should visit the children often in the first year. This should be easy where the nursery is in the same building or is one of a group of cottage Homes. A boy of over 12 years of age will be difficult to introduce into the family group of mixed sexes, and for him we recommend the combination of boarding school with holiday foster home to which we referred earlier (para. 466). For such deprived children the discipline and the opportunities for group activities which are offered by a large community would be salutary, but the boarding school could not supply the home element in their lives which we consider essential.

485. The small group Home should contain not more than 12 children ranging from about 2 to 15 years. Some of us think the lower maximum of 10 is preferable. The sexes should be mixed, subject to provision for removing the adolescent boy or girl (or indeed any younger child) who seems to need a different environment. Brothers and sisters should be kept together, but we realise that vacancies in small groups would not necessarily occur in such a way as to make this possible within the grouped Homes. There is much to be said for placing a man and his wife in charge of such a home, the man to be employed on associated work, e.g. gardening, or independent employment outside it. This plan comes nearest to reproducing the actual conditions of family life. We recognise, however, that husband and wife may not often be equally suitable for work of this kind, and that other difficulties, e.g. of accommodation, may arise. We do not therefore consider that the employment of man and wife can be recommended as the invariable, or even the normal, method of staffing the small Home. Eight is, we believe, the ideal number for a group, though it will be some time before buildings can be adapted or built for such small units. A "family" of eight is not an impossible conception even in present-day conditions, and it will allow of the protective relation between older and younger children which is profitable for both. The older children will also give the kind of assistance to the house mothers in the house that they would give to their own mothers. While any exploitation of child labour in Homes is to be severely discouraged, we are strongly in favour of both boys and girls being so brought up as to be able to do ordinary domestic jobs like washing up, laying tables, and making beds, and to take it for granted that every dweller in a house should contribute to its running by this kind of help. The labours of the Home should be considerably lightened by the provision of mid-day meals at school, and the rest of the work might well be shared between the house mother and the children, with daily help for cleaning and possibly for mending. The house mother should be allowed as much freedom as possible in her domestic arrangements. Provided the children's help is treated by her as a contribution to a joint effort—the children's share of the job of keeping the home going—and provided that what they do is suited to their years and varied from time to time so as to maintain their interest, we see no objection and much advantage in this use of a small part of their time. It should not, of course, interfere with school work or out of door exercise, or involve their arriving at school tired. Nor should the house mother be encouraged to make a fetish of tidiness and high polish.

486. Many grouped "Cottage" Homes are already in existence. We are informed that 43 per cent. of the children in local authority Homes in 1930 were in grouped Homes. Some of them are—



nearer to the family atmosphere than can be done in the large institution. There are, however, several ways in which we think they might be improved:—

- (i) Some of the groups are much too large and so defeat their own object;
- (ii) The precise similarity of all the houses in the group has a somewhat depressing effect. Here no doubt considerations of expense arise; but a group of cottages sited here and there in large grounds, differing a little from each other in external appearance if not in internal plan, would help to create the feeling of "my home" it is necessary to the child to have;
- (iii) They need a good sunny play room separate from the dining room and kitchen, with individual lockers for the children's possessions. They should have a place for quiet occupation where the older children could do home work;
- (iv) Small separate bedrooms should be available for the older children, say those over 12;
- (v) There should be a garden for outside play, not, as in some cases, a bare asphalted yard only.

In such points and many others which we enumerate below, the central department should give guidance to the authorities.

487. The alternative form of the family group is the "Scattered" Home, a small independent residence, generally an ordinary house in a street, in the charge of a foster mother who is supervised from a distance by officers of the local authority or a superintendent of a number of Homes. From some points of view this type of Home is preferable; the children may be more readily absorbed into the life of the neighbourhood and less marked out from their fellows as institution children. The objections to it arise mainly from the isolation of the foster mother in charge, which may entail risks to the children if she should not be altogether fitted for the work, and necessarily entails some lack of social opportunities for herself. We find that among those who are closely connected with the management of children's Homes opinion is divided on the respective merits of the "Grouped" and "Scattered" Homes. Everyone agrees that if the "Scattered" system is adopted steps must be taken to give the women in charge enough relief to enable them to have a social and cultural life of their own. Members of the local authority committee can help in this matter by keeping in touch with them and helping them to take part in the life of the neighbourhood. For their sake it is advisable that the Home should not be placed too far from centres of urban or village life. It must be remembered that for the children's sake as well as their own the foster mothers should be helped to contentment with their work and their environment. It has been impressed upon us by our witnesses that it is most harmful for children to be in charge of an unhappy woman. Apart from social opportunities, they should have the chance of meeting other people doing similar work to talk over their problems and develop a vocational consciousness.

488. The children from either type of Home should go to school with the other children of the neighbourhood, including those of nursery school age where nursery schools are available, as we hope they will soon be more widely, under the new Education Act. They should form the usual contacts with other children, visit their houses, be allowed to ask them back, join their Scout and Guide troops, and go with them to the swimming baths. The house mother should take an interest in all their doings, and should give them a healthy freedom. Where it is possible to arrange for children in the different cottages to go to different schools in the neighbourhood, we think

this is desirable, and our evidence is that it is sometimes done. Nothing is worse for the children maintained by public authority or private charity than to be labelled as "Home" children and to form a separate group within the school. It is of course essential that teachers in the schools should discourage any such labelling. The National Union of Teachers expressed the view in evidence that not more than about 4 per cent. of the children of a particular school could safely be "Home" children without becoming a group marked off from their fellows, but we think this estimate is too low.

489. The Education Act, 1944, should secure for all children the opportunity of primary education up to the normal standard and secondary education according to the ability and aptitudes of the child. We feel sure, however, that special attention will have to be given to children's Homes to make it certain that those advantages are enjoyed in full by the children there and to ensure that the children reach their maximum capacity at each educational stage. It is for this reason as well as for the purpose of maintaining contact with the outside world that we think it should be the general rule that children in either local authority or voluntary Homes should attend the primary and secondary schools of the neighbourhood unless they are so numerous as to make it impossible for those schools to receive them. In order that a particular Home, or rather group of Cottage Homes, shall not take up too much of the accommodation of the local school, it is advisable that its total size should be kept within a limit of, say, 100 children. A larger community is obviously very difficult to fit in to the life of the neighbourhood.

490. Should the numbers be too great for absorption in local schools, the proper course is to set up a recognised primary school with qualified teachers within the institution and admit children from the neighbourhood. In any case there should be inspection by the Ministry of Education wherever education is carried on within the Home, as it is in some Homes conducted by voluntary organisations. While some of these are engaged in educational experiments which we should be sorry to rule out, in others we are not satisfied that the education is up to the normal standard. We are informed that there may well be no inspection by the Ministry of Education of such an establishment, though there often is inspection by arrangement or invitation. The local education authority should, through its school attendance officer, discover whether the children in a Home are being educated, and if they are not, the children's parents or, if the parents are unknown, the person in charge of the Home, can be prosecuted. In this way no doubt the worst scandals have been corrected; but teaching which is slightly, or even substantially, below the authority's standard in its own schools may still be tolerated, and our evidence is that it does continue in certain charitable Homes. Under the Education Act, 1944, Part III, a Home purporting to give education to children of school age will be in the same position as a private school—i.e., it will have to be registered and inspected, and the Minister of Education will have powers of drastic action if the education is below standard. No appointed day has, however, yet been fixed for the coming into operation of this part of the Act, and we consider that in the meantime special action should be taken with regard to institutions in which deprived children are being educated. The powers of the local education authority should suffice to enable them to put pressure on any Home where the education is not satisfactory, either to send the children to the local schools (in our opinion the preferable alternative) or to improve the teaching and invite inspection. It will, of course, be essential in future that such establishments should provide efficient secondary education of varying types for children over eleven years of age retained in the Home for education.

491. Under the Endowed Schools Acts, 1869-1908, the Minister of Education has wide powers to reform endowments so as to make them most conducive to the advancement of the education of boys and girls. Under the Charitable Trusts Acts there is power for the Minister to amend educational trusts which can be shown to have failed. Local authorities should be advised to raise the question of action under these Acts in cases of difficulty to which the Acts apply. There are, however, numerous exceptions to the operation of the Acts, and we think that there is scope for a review of this legislation with a view to relieving the Ministry of Education of some of the restrictions which at present limit their power to modify educational trusts not used, or not fully used, in the best interests of the children.

492. We consider that all voluntary Homes taking full custody of children should be registered with, and subject to inspection by, the central "home-making" department, and that all alike which receive normal healthy children should be subject to a code of rules for residential Homes laid down by that department and applicable alike to voluntary and local authority Homes. The period when provision for orphans and destitute children could be treated as a matter of private benevolence, free of all criticism, is past. All establishments alike, however they are financed, should receive the guidance, advice and direction of a central authority which has made a special study of child care and can indicate where the arrangements in any Home fall short of what modern opinion requires. Where a voluntary society cannot maintain that standard for financial or other reasons it should either be assisted to do so (if it is serving a useful purpose) or it should cease to be permitted to receive children.

493. A number of points which should be covered for institutional Homes either by Statutory Rule or by directives issued by the Central Department have been mentioned in paragraphs 478-485. We would add the following (in addition to the directions regarding after care proposed in paragraphs 502-503 below).

(i) *Local Committees*

If a sub-committee is appointed by the Children's Committee of a local authority or the executive committee of a voluntary organisation to supervise a children's Home, the arrangements should provide (a) for the inclusion of both men and women members, (b) for retirement in rotation and limits on reappointment such as to secure that stimulus is given by the introduction of new members and that membership is not continued beyond the age at which an active interest can be taken in the Home.

(ii) *Staffing*

The Homes should be staffed on a basis which allows of individual care and attention to the children. As an example, for grouped Homes the ratio for house mothers should be one house mother to ten children, plus the necessary provision for assistance and relief. For nurseries a much higher ratio of staff to children is required. The qualifications to be aimed at are personal suitability, a deep interest in children as individuals, and training on the lines proposed in our Interim Report. For the higher posts administrative capacity is needed in addition to these qualifications.

(iii) *Conditions of employment for staff*

The staff must be adequately and comfortably housed with reasonable facilities for quiet leisure time and for entertaining their friends. Pay and superannuation conditions should be negotiated with the appropriate staff organisations and standardised.

(iv) *Records*

A progressive record should be kept of each child including his family and personal history and the circumstances of his admission, his health history while in the Home, and any important developments in his behaviour or his school career. It should be used to provide qualified staff with information useful to them in the care of the child.

(v) *Medical attendance and examination*

Regular medical attendance and examination should be provided for the children, as laid down in the existing Public Assistance Order for Children's Homes. The Home should appoint a medical attendant, who should be in close touch with the life of the Home and be available to give advice and help on the care of the children apart from particular cases of sickness. He should be available for consultation by the management committee.

(vi) *Sick room accommodation*

A small sick bay should be provided for each group of Homes.

(vii) *Food*

The central department should give guidance on nutritional standards and on a balanced diet and the best use of available food stuffs. Subject to this and to making full use of facilities for school meals, the house mother in charge of a family group should be allowed as much freedom as possible in planning meals for her household.

(viii) *Furnishing, etc.*

The aim should be to furnish the Home in a simple but pleasing manner, with bright harmonious decorations, curtains, crockery, covers and pictures (hung at the right level for children). Chairs, in preference to forms, should be provided, and some of them should be easy chairs. Chests of drawers should be available for putting away children's clothes. Baskets under the beds are not a satisfactory article of equipment.

(ix) *Dress*

In dress the children in Homes should not be differentiated from the other children whom they meet at school. Uniform is to be avoided unless it is a school uniform. On this point the present practice is on the whole satisfactory. Where practicable, older children should be allowed experience in shopping in connection with the purchase of their clothes, and older girls should be allowed to help in making them up.

(x) *Personal Possessions*

It is very important to encourage in the children the respect for other people's property which comes from the sense of having property of their own. Some locker or other receptacle of their own for keeping such possessions as a child buys with his pocket money or receives as presents is essential.

(xi) *Recreation*

There should be a good up-to-date library of suitable books and arrangements with the public library for a circulating supply of books. There should also be an adequate supply of toys and indoor games, wireless, and opportunities for the pursuit of hobbies. Outdoor recreation should include the cultivation of garden plots and the keeping of pet animals. The house mother should have a small reserve of petty cash to meet expenses of small expeditions, birthday parties and birthday presents.

(xii) *Pocket money and opportunities of spending*

To allow children to spend their own money is a necessary part of their education and they should be allowed to buy their own sweets. Older children should be sent on errands for the household. They should also be encouraged to make small subscriptions to clubs or societies for group amusements, and to save up for small presents.

(xiii) *Outside contacts*

Friendships with children outside the Home should be encouraged, and reasonable opportunities should be given to invite friends to tea at the Home or to the swimming baths, games or other means of amusement there. Opportunities should be given to children to join local young people's organisations. Reasonable freedom should be allowed the child to go out alone or with his friends. Close links may sometimes be formed with adults who are willing to act as outside friends to a particular child, and these too should be encouraged, subject to careful selection. Holidays can sometimes be arranged with such outside friends. In any case some arrangement should be made for giving the child a complete change from the Home once a year.

(xiv) *Contact with relatives*

Every effort should be made to keep the child in touch with such relatives as he may possess, provided of course the contact is not likely to do him harm.

(xv) *Daily routine*

Children should not be made to rise early in order to do work before breakfast; and all the children should have breakfast as soon as practicable after getting up.

(xvi) *Names of Homes*

A Home should not have a name which marks out the children living in it as in some way unfortunate—e.g. as orphans or "foundlings".

(xvii) *Religious up-bringing*

We do not as a Committee desire to lay down rules on the subject of religious observances. If the wise and understanding staff whom we desire to see in charge of the children are secured, they will no doubt find means, as good parents do, of influencing the children's lives both by their teaching and their example. Some members of the Committee would go further, and have expressed their personal views in a note on page 183. We are all agreed that there would be advantage if co-operation were encouraged between the local clergy and those responsible for the child's home care; and that where a chaplain is appointed to a children's Home he should be selected for his special understanding of children and young persons.

(xviii) *Discipline*

We have given much thought to this question and have come to the conclusion that corporal punishment (i.e., caning or birching) should be definitely prohibited in children's Homes for children of all ages and both sexes, as it already is in the Public Assistance Homes for girls and for boys of 14 and over. We think that the time has come when such treatment of boys in these Homes should be as unthinkable as the similar treatment of girls already is, and that the voluntary Homes should adopt the same principle. It is to be remembered that the children with whom we are concerned are already at a disadvantage in society. One of the first essentials is to nourish their self respect; another is to make them feel that they are regarded with affection by those in charge of them. Whatever there is to be said for this form of punishment in the case of boys with a happy home and full confidence in life, it may, in our opinion be disastrous for the child with an unhappy background. It is, moreover, liable

to grave abuse. In condemning corporal punishment we do not overlook the fact that there are other means of enforcing control which may have even more harmful effects. We especially deprecate nagging, sneering, taunting, indeed all methods which secure the ascendancy of the person in charge by destroying or lowering the self-esteem of the child.

There are certain behaviour difficulties, in particular bedwetting (enuresis), for which the punitive approach is in general inappropriate and should be strongly discouraged. This is one of the most serious problems of the institution and indeed of the foster home. The trouble seems to be linked with the child's sense of insecurity. Our evidence is that a combination of encouragement, small rewards for improvement, and physical treatment as medically advised, adapted to the particular case, will usually effect a cure in time, but that punishment generally makes matters worse.

Pilfering also should be treated as a symptom rather than a crime, though with the recognition that if it is allowed to continue it may develop into the crime of stealing. It seems to be sometimes a sign of emotional disturbance and sometimes the under-development of the sense of property in a child with no possessions of his own.

494. While we recommend the small family unit as being, after adoption and boarding out in the best conditions, the most satisfactory method of meeting the needs of normal healthy children, we see a limited use for the larger Home of say about 30. Apart from special experiments by voluntary organisations under exceptionally able leadership, which we should be sorry to discourage, we think the larger community may be the more successful for the abnormal group. There will always be a need for temporary removal from its home of a maladjusted or difficult child, as evacuation experience has amply shown, and notable success with such children has been secured in Homes of the size of 20-30. The unstable child appears to do better in a community with many activities and friends to choose from, and with an expert in charge of the discipline. Our evidence indicates that what is required for such a Home is an exceptionally competent and sympathetic superintendent and matron, and visiting advisers qualified in the treatment of childish abnormalities. It would serve in a sense as a residential child guidance clinic. Our witnesses have not advised us that any special regime can be prescribed for such establishments. Remarkably successful results are achieved by dissimilar methods, given personal suitability and enthusiasm on the part of those in charge. Some experiments have been made—by local authorities and one voluntary organisation—with Homes of this type as centres of a group of foster homes. The superintendent of the Home is the friend, adviser and supervisor of the foster parents, and a child who is for some reason unmanageable can be brought into the Home for rehabilitation. We think this plan well worth further trial. Care should be taken, however, not to interfere with the parental relation of the foster parent to the child or to let the child feel that there is another authority to which he can appeal. We should welcome research and experiment by local authorities on the best way of tackling the cases which for some reason are abnormal. We recognise that under the Education Act, 1944, this is the responsibility of the local education authorities, and we assume that "deprived" children, equally with those from normal homes, will enjoy the benefit of whatever remedial treatment is found to be most effectual.

495. We welcome in this connection the circular of the Minister of Education urging local authorities to make further boarding school provision for maladjusted children. We regret to learn that the Ministry of Health hostels for evacuated children who were maladjusted have not yet been taken over in any number by local authorities, and we hope immediate steps may be taken in



that direction so far as provision for deprived children is concerned. The matter is an urgent one and we are anxious that full use should be made of the successful war-time experiments in the care of the maladjusted child under skilled advice and treatment. We had evidence that the presence of such children in the ordinary children's Homes caused great disturbance and prevented the staff from doing their best work with the other children under their care.

496. We have given a good deal of thought to the question whether the provision of homes for children could not in some way be combined with the provision of boarding school accommodation for the normal child contemplated in the Education Act, 1944. This will presumably in the first place take the form of boarding houses attached to day schools for children whose homes are too far away for daily travel to be convenient. It seems an obvious course to place in such boarding houses the children eligible for the particular school for whose maintenance the local authority is in any case responsible. It is clear however that such boarding schools will not be in any real sense "homes". If the child is to be compensated for the absence of a normal home life it is essential that he should have a home from which to go to boarding school and to which he would return for the holidays. Subject to this being arranged by the Children's Committee, we should regard it as highly desirable that the children with whom we are concerned should share in any boarding school provision made by local education authorities. It is particularly desirable that children coming under the care of the authority at an age when they are not readily assimilated into small family groups—e.g. boys over twelve years of age—should go to boarding school and be placed in foster homes only for the holidays. Some existing orphanages and similar institutions of the "barrack" type where education is given on the premises seem eminently suitable for use as boarding schools. If children from normal homes could be introduced, such establishments could be brought into line with other boarding schools which are largely or wholly charitable, but which manage to escape any of the associations which cling to orphanages and foundling hospitals.

#### APPROVED SCHOOLS AND REMAND HOMES

497. Some children with whom we are concerned are in present circumstances sent to boarding-school—the schools "approved" by the Home Secretary for the education and training of children brought before the Juvenile Court. They are placed in the schools, or in the preliminary stage in remand homes, under an order of detention. This part of our subject presents us with some difficulties. We do not think it our province to embark on questions of criminal justice and were it not that children obviously within our terms of reference—i.e. those in need of care or protection—are dealt with by the Courts under the Children and Young Persons Act, 1933, on the same lines as delinquent children, we might not have felt called upon to make recommendations with regard to these institutions. As things are, however, the approved schools and remand homes must be regarded as a part of the provision made for children deprived of a normal home life, even though the treatment of delinquent children in the same institutions who have parents with whom they are in touch and to whom they go home when on leave may be regarded as outside our terms of reference.

498. Approved schools, as the long-stay institutions for the children in whom we are interested, may be dealt with first. Remand homes from our point of view are of secondary importance as they should be merely places of transit. We have asked ourselves what, if our proposals are adopted, will in future be the function performed by the approved schools for the deprived child as

distinct from their remedial function for the delinquent. In view of the powers now available to education authorities to provide boarding schools, is there any need for another type of school to which the child in need of care or protection should be sent? We think there is, for the really difficult or very unruly child, and the child who has been exposed to very depraved influences, between whom and the delinquent child the difference is often merely one of accident; both groups may, incidentally, be much retarded in their education. The approved schools provide complete custody and continuous training over the whole year, and for children removed from undesirable home surroundings and unfit for boarding out, or found to be unmanageable in the ordinary children's Homes, this is important. They also have a curriculum aiming at bringing the educationally retarded child up to the general level, and many of them provide an active out of door training which is particularly suitable for some temperaments. Others develop vocational training to a high level. While, therefore, part of the stream of children now sent to approved schools should be diverted under the new arrangements we contemplate, either to hostels for maladjusted children which should take them in hand before they have become a problem for the Juvenile Courts, or by much more frequent committals to the local authority, which might send the children to one of its own boarding schools and arrange a foster home for the holidays, we think that the possibility of sending to an approved school a child who is likely to benefit there should remain open. There are no doubt great difficulties in arranging holiday foster homes for approved school children, but we think the attempt should be made as soon as the deprived child is fit to be an inmate of an ordinary private home. We consider that the magistrates should have power to send a child in need of care or protection to a local authority boarding school as to an approved school, as they already have in London to send him to a Children's Home. Where a hostel for maladjusted children seems to be the appropriate place for him, the local education authority should be approached with a request for his admission.

499. In the main the approved schools seem to us to be well conducted in a humane and experimental spirit. The chief faults we have to find in the schools for boys are insufficient feminine influence, and a tendency in some of them to regimentation. We think the provision for the cultivation of individual interests might be improved. With regard to the senior girls' schools we have some doubt about the value of institutional treatment. These schools are dealing largely with the over-sexed adolescent, and are handling a problem to which, according to our witnesses, no satisfactory answer has yet been found; whereas the boys' schools are achieving a steady improvement in the application of methods which have been found to be to a large extent successful. No doubt a period of restraint may be necessary in the case of these girls in the interests of society as well as of the girls, but it should be used to widen their interests and educate them to find pleasure in a different way of life. More emphasis on health and social education seems to us to be required. A period of detention in a remand home with no equipment for educative occupation may be worse for the girls concerned than leaving them at large. A course of events by which a girl, originally taken under care or protection as in moral danger, who becomes, as she well may, unruly while in custody, may find herself in prison without being charged with any offence, is in our view deplorable, and we hope it will be provided against in the Criminal Justice Bill now under consideration. We are clear that the sense of being in custody should be minimised not emphasised with the senior girls, to whom the whole care or protection procedure, limited as it is to those under the age of 17, must of necessity appear arbitrary. We consider that the staff dealing with difficult and unstable girls need special training, and we welcome in this

connection the proposals of the Home Office Committee on Salaries and Conditions of Service in Approved Schools and Remand Homes (1946). We also think that where signs of instability appear, expert guidance should be sought at an early stage, before the girl becomes unmanageable. A good deal of experiment in treatment is, however, desirable in this most difficult matter. The most hopeful we have seen is an approved school where at the earliest possible moment the girl is transferred to a hostel from which she goes out to work. She has access to varied amusements and activities, is put on her honour as regards her behaviour, and remains under friendly supervision. This experiment points to the desirability of establishing schools for girls in places not too isolated, where the girls are sufficiently near centres of population to attend classes and obtain varied types of training as well as some social life outside the school. A preliminary period of training and stabilising is, of course, necessary.

500. The present arrangements for the provision of approved schools are unsatisfactory—indeed they obviously broke down in recent years since the supply is admittedly insufficient for present purposes. The abnormal circumstances caused by the war, a sudden rise in juvenile delinquency, the bombing and commandeering of school premises and staffing difficulties all contributed to this, and though improvement is already apparent there is still a considerable period of waiting in some remand homes. We see grave objection to the committal of a child in need of care or protection to an approved school unless a vacancy is known to be available for him. If there is none, the next best arrangement must be made, but that cannot in our view be detention in a transit home. If the adoption of our recommendations results in many of the children now sent to approved schools being sent elsewhere the pressure will be relieved. There is, however, no assurance under present legislation that the right number of approved schools will be provided. The incidence of need is very unequal over the country and as schools are classified according to the training given, they are not used only for children in their own area. The provision made by voluntary organisations is also unevenly spread. Though it is the duty under the Children and Young Persons Act, 1933, of every local authority either alone or in combination with other local authorities to take appropriate steps to remedy the deficiency, the requirement is apparently not specific enough in its relation to any one authority to ensure action being taken. We recommend that the central department concerned with deprived children should have power to call upon a particular authority to make what the Minister considers its proper contribution to meeting the particular need. We also think that the central department should itself have power to set up approved schools if necessary.

501. Remand homes lie still nearer to the verge of our terms of reference than approved schools. We wish to emphasise strongly (1) that these Homes should be for short stay purposes only, though those purposes should include careful observation as we recommend below, and if possible should be used only for the term of first remand. A fortnight should be the average normal length of residence; often it could be shorter. The population of remand homes is necessarily of a very miscellaneous character, and no continuous educational curriculum can be established. The task of the staff is made impossible if some children are kept for months waiting for vacancies in other establishments; (2) a child committed to custody for purposes of punitive detention (Section 54, Children and Young Persons Act, 1933) should not in our opinion be admitted to the ordinary remand home; (3) the period of the child's stay in the remand home should be used to ascertain so far as possible facts about his intelligence and temperament which would facilitate the decision of the Juvenile Court when he is next brought before it; a report from the superintendent of the

remand home as well as any medical and psychological information, whether obtained at the request of the magistrates or on the recommendation of the staff should be laid before the next Court (we assume in this recommendation that a trained and skilled person will be in charge of the remand home). It should be possible to identify mental defectives at this stage and prevent their being sent to approved schools; and much of the work now done at "classifying" approved schools could be rendered unnecessary, thus avoiding an extra break in the child's life. The classifying schools are open to the objection that the result of the classifying emerges too late to affect the magistrate's decision. Our investigations have led us to think that the policy of passing all children committed to approved schools through a classifying school in the first instance needs some further consideration; and that the remand home should really be the first "sieve." We realise that skilled observation will not be available in some provincial remand homes but it may be possible to make use of local child guidance clinics; we are glad also to learn that observation centres are being set up in a few selected remand homes in various parts of the country.\* We recommend this arrangement; (4) notwithstanding the difficulties of arranging an educational curriculum for short-stay residence a determined effort should be made to use the time in the remand home profitably for the children concerned. The services of the necessary teachers and club leaders and suitable equipment should be made available for the purpose. A good deal that is useful could no doubt be discovered about the child by means of games and educational employment. If it is impossible to make suitable provision on account of the small numbers, the question of combining with neighbouring authorities to provide a larger Home should be considered. There may also be cases where the children could properly be sent out to school; (5) as we have already suggested in paragraph 483 we think that reception homes provided by the local authority should ordinarily be used both as places of safety and for purposes of remand for the younger children who are not for special reasons unfit for admission. We think, too, that when hostels for maladjusted children are established it will be wise to make arrangements with the local education authority to send a really difficult case to such a hostel or a hostel associated with a child guidance clinic; (6) the segregation of girls suffering from venereal disease from other girls, which is in force in the larger Homes, should be general; (7) the use as remand homes of voluntary Homes primarily intended for other purposes is undesirable, unless they are staffed by trained and skilled persons. There are, however, some voluntary Homes particularly suitable to take charge of girls in moral danger, and where such Homes are well staffed but in need of funds the question of help from public funds contingent on the maintenance of a satisfactory standard of care might be considered. We are greatly impressed by the need for flexibility and variety in the treatment of these girls, and the importance of making them feel that they are being cared for in a friendly way rather than merely held in custody. The local authority should pay for such accommodation, on the choice of which the Children's Officer would no doubt be consulted by the magistrates. Voluntary Homes or shelters for adults are not suitable for children on remand.

#### AFTER CARE

502. Whether the deprived child is in a local authority or voluntary Home or is boarded out, his start in life should be a matter of deep concern to those who have the charge of him. This responsibility for local authority children should fall in the first place on the Children's Committee and its Children's Officer. Those in actual charge of the child, the superintendent of the Home or the foster mother with whom the child is boarded out should be brought

\* Report of Home Office Committee on Salaries and Conditions of Service in Approved Schools and Remand Homes (1946) p. 30.



into consultation. The greatest care should be taken to recognise and develop his ability and aptitudes and to encourage him to think of the various possible careers open to him and the various kinds of education to which he may proceed. Such expedients as tours of neighbouring factories and the issue of booklets about careers should be freely used; some of them may already be available through the schools the child attends. The recreational activities of a Home should include films and books which illustrate life in various industries and other employments. For these children without the normal home background, the expectation of establishing themselves successfully in the world is particularly important, and every opportunity should be taken to make them feel their own worth as citizens and potential workers. As the child approaches school leaving age advantage should be taken of the advice of the Ministry of Labour or local education authority's Juvenile Employment Service, and the vocational guidance offered by the local authority in some areas. The children in the Home should be interviewed by the Juvenile Employment Officer and should be encouraged to express a personal preference in the matter of employment. The ideal to be aimed at is skilled advice in the selection of an occupation which nevertheless leaves the child with a sense of personal choice. A stereotyped placing of boys, e.g. as farm hands or army bandmen, such as obtains in some voluntary Homes, is to be deplored.

503. In the past the assumption that domestic work is the only outlet for the girls in public authority or voluntary Homes has been far too prevalent, and there is a tendency even now to retain girls after school leaving age for the domestic duties of the Home. If a girl remains in the Home for domestic work for more than six months it should be with the knowledge that she is free to leave; and a definite change of status signified by a change of room and the payment of a wage should make it clear to her that she is now a paid employee. She should also in that case be given opportunities of taking a domestic training, e.g. classes at local technical institutes outside the Home. The same principle applies if she remains at the Home in an occupation which earns money for the Home (e.g. laundry work). She should be paid the normal wage for her age and out of that pay for her keep. If on the other hand she prefers a different type of occupation, e.g. factory work, dressmaking, clerical work, telephone operating, shop work or nursing, she should be helped to obtain the necessary opening or training. The principle that retention in the Home for domestic or other duties should involve payment of a normal wage and treatment as an employee applies of course equally to boys.

504. The best of the voluntary organisations already have good after care machinery and keep in touch with the child during his early years of independence and often later. In this respect we think that the after care of the local authorities should be developed. At present it tends to be impersonal. It should be impressed on any child going out into the world from a local authority's care that he has a permanent relation with the Children's Officer and may turn to her for advice between jobs and even use her office as a forwarding address for letters. There should be an arrangement as there is in voluntary Homes for entertaining boys and girls who have left the Homes as guests for their holidays. The relation should be such that any young person who gets into difficulties would turn to the Children's Officer as a matter of course. This should be a safeguard against exploitation or bad conditions for a child placed in resident employment.

505. Where the Children's Officer has obtained admission of a child in a voluntary Home she should discuss with the Juvenile Employment Officer and voluntary organisation his placing in employment and keep herself informed of his progress. Any "deprived" child going into employment in a strange place should be given the name and address of the Children's Officer of the district so that he may get into touch with her if he needs help. This applies

to approved school children as well as to others. We understand that the after care of approved school children is at present under the reconsideration of the Home Office and we make no other recommendation under that head.

506. It has been strongly represented to us by a number of witnesses that local authorities should provide more hostels for young people from their Homes who go out to work. We have considered this carefully, and while we agree that in places where there is great difficulty in securing accommodation the local authority should, indeed must, set up suitable establishments for the boys and girls concerned, we regard that as the last resort and should much prefer placing the young people in suitable lodgings or using existing hostels for working boys and girls run by voluntary bodies, where necessary with a subsidy from the Children's Committee. Our investigations have however shown that lodgings and voluntary hostels are not sufficient to take all who need accommodation of this type, and that there is definitely a need for more local authority provision, especially for girls. It should be observed that the opportunity of living in a hostel widens the boy's or girl's choice of employment, as the hostel forms a base from which vocational training, e.g. in trade schools, can be taken. It is important that adolescents coming from Homes should not be marked out from their fellows in any way, and the need for hostel accommodation with club facilities is very desirable not only for these boys and girls but for boys and girls from normal homes, who would we hope be admitted to local authority hostels.

507. We think the hostel should be provided in an ordinary house, with accommodation for not more than 12-20 boys or girls, as otherwise it tends to become too institutional. It should be comfortably furnished and there should be provision for a quiet room in which the boys or girls can read or study, and a games room. The staffing of such a hostel requires careful consideration. It is important that there should be a superintendent who really understands adolescents, and while not appearing to dictate to them as to how they should manage their lives can take a personal interest in their recreation and general well being. He or she should have a good knowledge of the various types of employment in the district, and should be in constant touch with the Juvenile Employment Office. One who has had experience in boys or girls clubs would often make a suitable superintendent. He or she should be paid a salary sufficient to attract a person of good standing and qualifications. The boys and girls should be treated as if they were lodgers in a private family but under friendly supervision. They would of course contribute towards the cost of their maintenance on a graduated basis according to their earnings, a minimum residue for pocket money and clothing being secured to them. During vocational training the authority should make an allowance for pocket money and clothing. There should be freedom for them to go in and out of the hostel in their leisure periods as they would in a private house, and to bring their friends home.

## HANDICAPPED CHILDREN

508. Up to this point we have been dealing with children who are normal in body and mind, except in so far as they fall into the 'maladjusted' category. The mentally or physically handicapped child presents different problems, most of which, and in particular the medical aspects, are outside our terms of reference. Some important considerations have, however, come under our notice to which we feel obliged to call attention.

509. One of the most serious problems we found on our visits was the result of the lack of adequate accommodation for the care of mentally defective children. Defective children were constantly found in Poor Law institutions



for adults, in local authority children's Homes, in remand homes, in voluntary Homes, and although not physically ill, even in the wards of general hospitals. Their presence in the Homes is clearly detrimental to normal children both because of their behaviour and because of the fact that they prevent already overworked members of the staff from carrying on their ordinary work. It is bad also for the defective children who are not able to have the kind of care and training that they need. We understand that the knowledge that there is no room in the mental deficiency institutions and residential schools results in the children not even being referred to the appropriate authorities. We are informed that adequate provision for them has only been made in a very few areas under the Mental Deficiency Act of 1913 and the Education Acts, though the serious shortage of this provision was made clear by the Wood Report of 1929 where it was stated that "the number of institutions . . . is totally inadequate and must be increased, especially when regard is had to the far larger number of children who, in our view, should be notified in the future."\* We recommend that an immediate census should be taken of ineducable children now in Public Assistance Institutions and children's Homes, and that the earliest possible steps be taken with a view to providing for them in properly staffed Homes or colonies.

510. Under the new arrangements we propose, it would be the duty of the Children's Officer to refer to the Mental Deficiency Committee any child under two years of age in her care whom she suspected of being mentally deficient and to bring to the notice of the education authority any child over two who she thought might be ineducable or in need of special educational treatment. We do not recommend any change in the present administrative arrangements, central or local, for mentally defective or educationally handicapped children.

511. The institutions for defective and educationally handicapped children which we visited were for the most part suffering severely from shortage of staff, and were in some instances also over-crowded. We were disquieted by the conditions in one or two of the privately run Homes catering for this type of child and receiving Poor Law children. A particular problem was raised by a private establishment combining a section approved by the Board of Control for the care of certified mental defectives and a section for backward boys run as a private establishment and receiving from local authorities a number of public assistance cases. The standard of care and of provision for training and occupation was at the time of our visit unsatisfactory, and we think that special attention should be paid to such private establishments for retarded children who may be placed by local authorities at some distance from their homes.

512. Our attention was drawn, both by witnesses and by officials of the local authorities with whom we conferred, to the pressing problem of epileptic children, particularly of those children who are epileptic and delinquent or epileptic and of low intelligence or markedly unstable. They are seldom suitable for admission to epileptic colonies (of which there is a lamentably insufficient provision) and are equally unsuitable for admission to approved or special schools with the result that they may be found living with normal children in children's Homes or left for many years in the wards of workhouses simply because no other place will accept them. Fortunately, such cases are not very numerous but the problems caused seem to be out of all proportion to the number of children, and we think that immediate action is called for. It seems likely that provision can only satisfactorily be made on a national or at least a regional scale on account of the comparatively small numbers.

\* Report of the Joint Mental Deficiency Committee of the Board of Education and the

513. We were concerned to find on our visits that a few children not regarded by medical superintendents as suffering from mental illness or severe defect are admitted to mental hospitals under the Lunacy and Mental Treatment Acts. In the hospitals in which we found these children it had not been possible to make any separate provision for them, and they were associated with adult mental patients in the wards and in the day rooms. We had evidence from social workers in mental hospitals and the observation wards of public hospitals that children are not infrequently admitted to the wards, some of whom may become patients, on account of such problems as violent tempers, sex delinquency, larceny or wandering. Some particularly unstable boys and girls not suffering from any diagnosed mental illness are transferred under legal procedure from approved schools to mental hospitals when they become uncontrollable. The Medical Superintendents whom we consulted on our visits did not regard a mental hospital as a suitable place for the care of these boys and girls, and we think that steps should be taken at once to make alternative provision for them, or at least to see that they are cared for in a way which would not bring them into contact with adults suffering from mental illness.

514. In the case of the physically handicapped we have had evidence that in many hospitals insufficient attention is paid to the child's education and educative recreation. Even in hospitals where there is a recognised hospital school with qualified teachers and inspected by the Ministries of Health and Education, there may be many long hours in which the child is left without occupation for hands or mind. In some country hospitals no provision is made for education. We think that the Ministry of Health should urge upon all hospital authorities the importance of making arrangements for the education of children under their care and for the employment of skilled workers on the recreational side for the remaining hours not occupied by treatment or hospital routine. The child should not have added to his other hardships and sufferings the feeling that his years are being wasted so far as his mental development is concerned. Under the arrangements we have recommended it would of course be the responsibility of the Children's Officer to keep in touch with the "deprived" child who had gone from her care into a hospital, and make representations to the proper authority if she felt he was not getting the mental training and recreational help he needed and could benefit by.

## EMIGRATION OF CHILDREN

515. We understand that organisations for sending deprived children to the Dominions may resume their work in the near future. We have heard evidence as to the arrangements for selecting children for migration, and it is clear to us that their effect is that this opportunity is given only to children of fine physique and good mental equipment. These are precisely the children for whom satisfactory openings could be found in this country, and in present day conditions this particular method of providing for the deprived child is not one that we specially wish to see extended. On the other hand, a fresh start in a new country may, for children with an unfortunate background, be the foundation of a happy life, and the opportunity should therefore in our view remain open to suitable children who express a desire for it. We should however strongly deprecate their setting out in life under less thorough care and supervision than they would have at home, and we recommend that it should be a condition of consenting to the emigration of deprived children that the arrangements made by the Government of the receiving country for their welfare and after care should be comparable to those we have proposed in this report for deprived children remaining in this country.

## SUMMARY OF RECOMMENDATIONS

### SCOPE OF PUBLIC CARE

1. The scope of public care should be extended to cover:
  - (i) children taken into the care of foster parents for reward who are over 9 years and not over 16 years of age;
  - (ii) children of all ages up to 16 taken into care of foster parents without reward (including children placed for adoption);
  - (iii) children in voluntary Homes now unregistered. (para. 424).
2. Local authorities should be under an obligation to undertake the care of children whom the Courts wish to commit to their care. (para. 425).
3. The Ministry of National Insurance should notify the local authority in all cases where a child's pension or additional allowance is payable to a person other than the mother, a close relative, or the legal guardian. (para. 424).
4. It is desirable that every orphan or deserted child maintained or supervised by the local authority who is without a legal guardian should have one appointed by the appropriate Court and the local authority should endeavour to bring this about. (para. 425).

### ADMINISTRATION

5. Responsibility for the care of deprived children at the departmental level should be in one department in which should be concentrated the relevant powers under the Poor Law Act, Children and Young Persons Acts, Public Health Act and Adoption of Children Acts and which would define and maintain standards by inspection, advice and direction. (paras. 432, 434, 435).
6. Local authorities should have the immediate responsibility for the care of the children. (paras. 430-432).
7. All services by local authorities to deprived children should be subject to Exchequer grant. (para. 432).
8. The central department should be empowered to make Rules under which children may be boarded out or maintained in institutions; these rules should apply to voluntary organisations equally with local authorities. (paras. 432-433, 472, 492).
9. The central department should be empowered to give to local authorities directions enforceable by mandamus. (para. 432).
10. All voluntary Homes should be registered with and inspected by the central department. (paras. 433, 492).
11. Subject to 8 and 10, voluntary organisations should be free to continue their present activities in the care of children. (para. 433).
12. The inspecting staff employed by the central department should be brought up to the number necessary for the inspection of all children's Homes at least once a year. (para. 436).
13. The responsible local authority should be the county council or county borough council, but where the number of children to be cared for is not sufficiently large to justify the employment of a responsible executive officer, the Minister should constitute Joint Boards for two or more areas in combination. (paras. 438, 442).
14. Where the county or county borough council is the responsible authority it should work through a single *ad hoc* committee which would be responsible for the provision and administration of Children's Homes, for boarding out, for child life protection, for the local authorities' functions with

regard to adoption, and for the keeping of records of all deprived children in the area including particulars of those in voluntary Homes. The Joint Boards, where constituted, would have similar functions (paras. 440, 442).

15. The Children's Committee or Joint Board should appoint an executive officer of high standing and qualifications who would be a specialist in child care, and whose appointment would be subject to approval by the central department (paras. 441, 444, 446).

16. The various means of providing normal healthy children with a home, viz. adoption, boarding out and institutional care are to be considered in relation to the needs of the individual child. Subject to that consideration, and full safeguards, the order in which they are named is the order of preference (para. 447).

### ADOPTION

17. The following changes are recommended in the law relating to adoption—

- (1) A probationary period of not less than 3 months, with extension to 6 months at the discretion of the Court, should be required in all cases before an application for an adoption order is dealt with (para. 451);
- (2) Children placed for adoption should be notified to the local authority in all cases (para. 452);
- (3) During the probationary period all children placed for adoption should come under the supervision of the local authority's Children's Officer. It should be open to the authority to apply to a Court of summary jurisdiction or in emergency to a justice of the peace for an order to remove any such child from a detrimental environment (paras. 452, 454);
- (4) Magistrates refusing an adoption order on the ground that the adoptive home is unsatisfactory should be empowered to make an immediate order committing the child to the local authority (para. 454);
- (5) Private individuals should be prohibited from acting as adoption agencies (para. 455).

18. The Courts should be advised to appoint the Children's Officer as guardian *ad litem*, except where the adoption is arranged by the local authority (para. 453).

19. The regulations relating to applications for adoption orders should provide for (1) the medical examination of the child; (2) a declaration as to health by the adoptive parents and a medical examination in cases of doubt; (3) a declaration that they have not been refused an order by another Court in respect of any child (paras. 456, 457).

20. The staff employed by adoption societies for investigating homes should have similar qualifications to those of local authorities' boarding out visitors (para. 458).

### BOARDING OUT

21. Boarding out is to be preferred to institutional care for children who are suitable for boarding out wherever entirely satisfactory homes can be found; and a vigorous effort should be made by local authorities to extend the system (paras. 461, 465).

22. A fresh attempt to secure the necessary foster homes should be made with the aid of appropriate national and local organisations (para. 465).

23. The investigation and approval of foster homes should be the duty of the local authority's Children's Officer (paras. 466, 467).

24. Other local authorities should not board out in the area except through the Children's Officer (para. 467).

45. No voluntary organisation should board children out except in homes approved by the Children's Officer (para. 467).

26. Payments to foster mothers should be standardised to cover the cost of maintaining the child. They should not include an element of remuneration (paras. 469-470).

27. While every effort should be made to place a child in a home of its own religious persuasion, the child should not be kept in a less desirable environment merely because this requirement cannot be met\* (para. 472).

28. A staff of trained boarding out visitors should be available to the Children's Officer (para. 474).

29. Each boarded out child should be visited by a boarding out visitor not less often than once in every three months (para. 474).

30. Boarding out by private persons ("fostering") should be under the supervision of the local authority which should be empowered to guarantee payments to approved foster parents and to recover from the parent or guardian (para. 475).

### INSTITUTIONS OR RESIDENTIAL COMMUNITIES

31. The disadvantages of institutional life can be minimised by the development of the family group system in grouped cottage Homes or scattered Homes. A group of children should preferably occupy a separate dwelling, but where a large single building must be used the groups should be formed within the community (paras. 478, 484).

32. Local authority children's Homes should be entirely detached from adult Institutions (workhouses). Children other than babies with their mothers, should not be received into adult institutions except in emergency and then for not more than 24 hours (para. 480).

33. Reception centres should be set up in all areas and should serve as places of safety, remand homes for small children and places of preparation for boarding out or the children's Home (paras. 482-483).

34. The law should provide that children taken to a place of safety under the Children and Young Persons Act should be brought before a Juvenile Court without delay (para. 483).

35. Nurseries under specialised medical control should be established for infants (paras. 478, 481).

36. Family groups in Homes should not exceed 12 in number and ages and sexes should be mixed. 8 is the ideal number (para. 485).

37. The group of Homes should not be too large to be absorbed into the life of the neighbourhood (para. 489).

38. Brothers and sisters should be kept together if possible (para. 485).

39. Education should normally be given at the public primary and secondary schools of the neighbourhood (paras. 488-489).

40. Pending the coming into force of Part III of the Education Act, 1944, local education authorities should exert pressure to secure adequate education for children in Homes where the educational provision is unsatisfactory (para. 490).

41. The Charitable Trusts and Endowed Schools Acts should be reviewed so as to widen the powers of the Minister of Education to revise educational trusts not used in the best interests of the children concerned (para. 491).

42. The regulations referred to in 8 and accompanying instructions should give detailed guidance for the management of children's Homes. We make a number of suggestions for these regulations and instructions (para. 493).

\* But see reservation on page 183.

43. Immediate hostel provision should be made for deprived children who are maladjusted (para. 495).

44. Deprived children suited to a boarding school education who are sent to local authority boarding schools set up under the Education Act, 1944, should have a foster home to go to for the holidays (para. 496).

### APPROVED SCHOOLS

45. Approved schools should continue to be open to deprived non-delinquent children who would benefit from the regime (para. 498).

46. Magistrates should be empowered to commit children in need of care or protection to local authority boarding schools, and should arrange with education authorities for the admission of maladjusted children to hostels (para. 498).

47. Experiment and flexibility of treatment are required in the case of senior girls sent to approved schools (para. 499).

48. A child in need of care or protection should not be committed to an approved school unless there is known to be a vacancy (para. 500).

49. Specific obligations in connection with the provision of approved schools should be laid upon local authorities (para. 500).

### REMAND HOMES

50. Remand homes should be used for short stay purposes only (including observation); special remand centres should be provided for prolonged observation (para. 501).

51. Children should not be committed to the ordinary remand home for punitive purposes (para. 501).

52. The period of stay should be used profitably for the children (para. 501).

53. Girls suffering from venereal disease should be segregated (para. 501).

54. Voluntary Homes established primarily for other purposes should not be used as remand homes unless they are staffed by trained and skilled persons (para. 501).

### AFTER CARE

55. This should be a matter of deep concern. Great care should be taken to make the children aware of the possible careers open to them. Full use should be made of the Juvenile Employment Service. Girls and boys remaining in Homes on domestic work, or work earning money for the Home, should be treated as employees (paras. 502-503).

56. Any deprived child going into employment in a strange place should be enabled to get into touch with the Children's Officer of that area (para. 505).

57. Hostels for boys and girls from the Homes who go out to work should be provided by local authorities where no suitable lodgings are available (para. 506).

### HANDICAPPED CHILDREN

58. The present shortage of accommodation and staff for mentally deficient children should be remedied as soon as possible. An immediate census should be taken of ineducable children now in workhouses or children's Homes with a view to make proper provision for them (para. 509).



59. Consideration should be given to the provision of more accommodation for certain groups of physically defective children—e.g. epileptics (para. 512).

60. More provision should be made in hospitals for education and recreational occupation for the physically handicapped (para. 514).

### EMIGRATION

61. The emigration of deprived children should be subject to the condition that the receiving Government makes arrangements for their welfare and supervision comparable to those recommended in this report (para. 515).

### TRAINING

62. Courses of training for boarding out visitors should be arranged with Universities. Central department inspectors should take parts of these courses where necessary (Appendix 1).

We were very fortunate in having assigned to us as Joint Secretaries Miss D. M. Rosling of the Home Office and Mr. G. T. Milne of the Ministry of Health. They have not only made with unfailing competence the arrangements for the wide survey of existing homes for deprived children, but they have themselves taken a most useful part in our visits. We are also deeply indebted to them for the careful assembling of a mass of complicated material, for the help they have given us in understanding the working of the central and local government machinery, and for their share in the drafting of this Report.

MYRA CURTIS (Chairman)  
S. CLEMENT BROWN  
R. J. EVANS  
LUCY G. FILDES  
M. L. HARFORD†  
SOMERVILLE HASTINGS  
MARY L. KINGSMILL JONES†  
JOHN H. LITTEN†  
JOHN MOSS  
HELEN MURTAGH†  
MURIEL E. NICHOL  
HENRY SALT  
J. C. SPENCE  
FRANCES TEMPLE†  
S. O. WALMSLEY†  
H. GRAHAM WHITE.

D. M. ROSLING } Secretaries.  
G. T. MILNE }

August, 1946.

† Subject to the reservation on p. 153.

### RESERVATION ON RELIGIOUS CARE FOR BOARDED OUT CHILDREN

(See paragraph 472 of Report.)

We regard it as a matter of the first importance that all children who are boarded out in foster homes should receive adequate religious care.

While recognising the difficulty sometimes encountered of finding suitable foster parents of the same religious persuasion as the child, we feel that the carrying out of the Children and Young Persons' Boarding Out Rules may involve the child and the foster parent in a very real dilemma. One of the principal objects of boarding out consists in the opportunity provided for the child to become integrated with a particular family. This process must obviously be hampered where week by week the foster child is separated from the rest of the family in the intimate and homely relationships engendered by attendance at the same place of worship and Sunday School, in addition to any question of actual religious instruction in the family circle.

Accordingly, we recommend the adoption of a clause in the following terms, to be embodied in all boarding out rules:—

"The religious denomination of every child shall, where possible, be ascertained. Where that denomination is ascertainable as being Anglican, Roman Catholic or Free Church, a child shall not be boarded out or remain boarded out with a foster parent of a religious creed different from that of the child. Where no such home is available, consultation shall take place with persons representative of the denomination concerned with a view to finding the home required."

Unlike the rules relating to children in public assistance institutions and Homes, none of the present Boarding Out Rules contain any provision for religious care of the child whose denomination cannot be ascertained. Since such care is the right of all children we recommend the addition of a clause in the following terms:—

"Where the religious denomination of the child cannot be ascertained, the child shall be boarded out in a foster home where adequate religious care will be provided."

(Sgd.) M. L. HARFORD  
MARY L. KINGSMILL JONES  
JOHN H. LITTEN  
HELEN MURTAGH  
FRANCES TEMPLE  
S. O. WALMSLEY

### NOTE ON RELIGIOUS CARE

(See paragraph 493 (xvii) of Report.)

We are of the opinion that the rights of children as defined in the Poor Law Act of 1930 to have religious instruction suited to their age and capacity, and in accordance with any ascertainable religious persuasion of their parents, constitute a basic principle which should be maintained in any future legislation, and methods adopted to implement it.

Whatever the practice or lack of practice of the children's parents in this respect, the peculiar position of these children entitles them to the best that can be given in the way of religious care. From their earliest years they need the help which is found in a growing faith.

It was noted that in the majority of Homes apart from nurseries, there was some form of daily prayers, but there was also evidence of lack of knowledge of how to teach the practice of religion to little children, or how, for instance, to teach them to say simple prayers of their own. The effect of a different approach was noticeable in those Homes where the necessity of providing understanding help in this was recognised.

Since the guidance of children in their first approach to religion depends in large measure on those who stand in the relation of parents to them—we consider that all who are responsible for the selection of child care workers in children's homes should have regard to their ability to care for the religious development of children as well as their mental and physical well being. Further, we believe that the encouragement by all those who are responsible for the management of Homes of co-operation between those undertaking the child's religious education in church and school and those concerned with his home care, will do much to strengthen and help this vital side of their work.

(Sgd.) M. L. HARFORD

SOMERVILLE HASTINGS  
MARY L. KINGSMILL JONES  
JOHN H. LITTEN  
HELEN MURTAGH  
FRANCES TEMPLE  
S. O. WALMSLEY

#### APPENDIX I TRAINING IN CHILD CARE

Our Interim Report dealt with the training of house mothers and analogous staff. We now deal with the remaining categories which seem to us to need additional training.

##### Training of Boarding Out Visitors

1. The boarding out visitor must be capable of assessing the suitability of a foster home for the needs of a particular child, possibly for a long period of his life up to his entry into employment; of establishing friendly and helpful relations with the foster parents and co-operating with them for the good of the child; and of recognising quickly any change in the situation in the home which might be detrimental to the child, and taking or recommending the necessary action. The visitor needs for these purposes a working knowledge of social administration, skill in handling personal relations, an understanding of the characteristics and needs of normal children of different ages, and an acquaintance with the problems of behaviour and adjustment which are met with in children deprived of a normal home life. The visitor must be familiar with the available social, educational, religious and health services; should have a sound knowledge of the law and administration relating to child welfare, and of the functions of the Juvenile Court; and should be acquainted with the schemes of child care run by large voluntary organisations.

2. At present boarding out visiting is done by the following bodies:—

- (a) Local authorities. Local authorities frequently employ their own Health Visitors or child protection visitors and, in some cases, have a special Children's Officer with a social science qualification;
- (b) The Ministry of Pensions. The Ministry of Pensions employ their own Children's Officers, who receive departmental training at headquarters and "on the job";
- (c) Voluntary organisations. Voluntary organisations usually have their own staff of boarding out visitors or inspectors, sometimes with social science qualifications but generally trained on the job.

3. We heard evidence on the question of a national scheme of training for boarding out visitors from a number of employing bodies and from educational and social experts. The advice we have received is very diverse, ranging from satisfaction with training "on the job" to a recommendation in favour of a degree course related to social science, followed by a post graduate course directed specifically to boarding out work.

4. We have considered this advice very carefully and have come to the conclusion that the position to be aimed at is one in which recruits to boarding out visiting under the arrangements recommended in our Report would hold theoretical and practical qualification for this responsible work, and that the Central Training Council proposed in our Interim Report on Training in Child Care should also be responsible for organising courses for boarding out visitors. This training would, we think, also be of assistance to adoption society workers and to workers in other fields of local authority and voluntary services for children. It should be designed so as to cater both for students with good academic qualifications but no special training, and also for students who have had the professional training offered to those who enter the occupations of teaching and social work. We think the training should be of University standing. The courses should deal with child development, family life, social conditions, and social services and the agencies through which they are rendered. Where the subjects of the course are the same as those proposed in our Interim Report for house mothers, they would be taken on a considerably higher academic level.

5. Candidates qualified by education or training for admission to the course would be:—

- (1) Graduates whose course has included some subject which would form a good background for a student entering the field of child welfare, e.g. psychology, sociology, philosophy or economics;
- (2) Holders of a Social Science Certificate or Diploma;
- (3) Holders of a Health Visitor's Certificate;
- (4) Holders of a Child Care Certificate Part II as recommended in our Interim Report on Training in Child Care;
- (5) Non-graduate trained teachers;
- (6) Others whom the Central Council for Training in Child Care may consider to be qualified, on grounds, for example, of long experience, or good academic qualifications not covered by (1).

The most careful selection of candidates for personal suitability must be a necessary preliminary to admission to the course. The Central Council should set up a suitable selecting body for this purpose and the selected candidates should be recommended to the Universities for acceptance.

6. We think that of the year of training practical work should occupy between one third and one half. This is intended to include practical work in the long vacation. The aim of practical training would be to give the student experience of the ordinary needs of children of different ages, as well as to train them for the actual work of boarding out. Students who had not already had direct experience with children could have this arranged in children's Homes, camps, clubs, or play centres, or through the various services to children in their own homes. The main part of the practical training would, however, consist of the actual boarding out and visiting of children under skilled supervision. We understand that this supervision could be offered by the Ministry of Pensions, which has a sound training scheme already in operation, and with a diminishing load of work and consequent reduction in its own recruitment could use this machinery to train fresh workers for the local authorities and voluntary organisations. Those of the local authorities and voluntary organisations which employ trained and experienced social workers could also undertake practical training.

7. As far as possible this new course should be co-ordinated with existing facilities for the study of child welfare in the Universities. It would in our view be essential that it should be undertaken in Universities and colleges already providing training for social workers, particularly where there also exists a chair

of child health. It is also hoped that the Social Science and Education Departments would collaborate in the teaching arrangements. As the numbers will not be large it will be as well to concentrate the teaching at a few Universities. We consider that courses might be run at three or four Universities in England and Wales. If a course is established in Scotland there would be advantages in co-ordinating the English and Scottish courses so that Scottish candidates could take a post in England and vice versa. The English Universities selected should be in different parts of the country and should preferably be those which already have a faculty of Social Studies in close relation with the faculty of Medicine.

8. There should be some degree of flexibility in the course so as to adapt it to the needs of candidates of different previous experience and training. For example, a Health Visitor will need training in child development but can omit the parts of the course dealing with physical health; while the trained teacher will need to give more time to the social background and less to child development. We are satisfied that valuable elements could be used from existing courses if there were consultation between the Central Council for Training in Child Care and other training agencies.

9. As regards the boarding out visitors already employed, we think it will be necessary for a period to run short courses of the type which the Provisional National Council for Mental Health has already conducted with success. It might be possible to arrange for such courses of a few weeks in length to be run by the extra-mural departments of selected Universities. This could be done in conjunction with groups of local authorities, who would probably find it more convenient to give candidates leave to attend a central course than to run courses independently.

10. We recognise that the flow of recruits from the courses recommended in our paragraphs 4-8, though beginning, we hope, at an early date, would not at first be sufficient to meet the needs of employing bodies. For purposes of emergency recruitment the qualifications listed in paragraph 5, subject always to personal suitability, may suffice, though we recommend that entrants should take, before or after appointment, the short theoretical course recommended in paragraph 9 for existing staff. If it could be combined with some practical experience under supervision with, e.g. the Ministry of Pensions or Dr. Barnardo's boarding out visitors so much the better. After a period of about ten years the new qualifications for admission to boarding out visiting should be well established and there should be no need to provide special training for visitors appointed without those qualifications.

11. We think that approved candidates for the boarding out visitors course should receive where necessary assistance in the form of bursaries from public funds, and that financial assistance should also be given to candidates taking the short courses referred to in paragraph 9.

### Training of Inspectors

12. We assume that the inspectorate of the central department will be to a large extent recruited from persons who have had experience in the various forms of child care dealt with in this Report, and will have qualifications at least equal to those of Children's Officers. Their specific training will no doubt be, as at present, "on the job"—i.e. the inexperienced inspector will work for a time under the supervision and with the guidance of an experienced inspector. There may however be from time to time suitable recruits to the inspectorate who have special knowledge of one side of child care but whose experience has not covered the whole field. We think that arrangements should be made with the Universities for the admission of such persons to those parts of the theoretical and practical courses we have suggested for boarding out visitors which they have not covered in their previous studies, and that they should be required to attend as part of their training.

## APPENDIX II

### LIST OF WITNESSES

The following organisations and individuals\* gave evidence before the committee:—

ORGANISATION	REPRESENTED BY
<i>Association of Education Committees.</i>	Sir PETER D. INNES, C.B.E., M.A., D.Sc. Alderman WRIGHT ROBINSON, J.P. Mr. F. BARRACLOUGH, M.A. Alderman Mrs. E. GREGORY, O.B.E., J.P. Mr. THOMAS WALLING, M.A. Dr. W. P. ALEXANDER, ED.B., M.A., B.Sc.
<i>Association of Headmasters and Headmistresses of Approved Schools.</i>	Miss S. RABY. Mr. J. VARDY. Mr. N. H. MATTOCK.
<i>Association of Municipal Corporations.</i>	Mr. S. MOFFETT. Mr. W. STANSFIELD. Dr. H. PAUL, M.D., D.P.H. Mr. G. H. BANWELL.
<i>Dr. Barnardo's Homes</i> ... ..	Mr. P. T. KIRKPATRICK. Mr. E. H. LUCETTE. Miss CHAVASSE. Mr. T. F. TUCKER. Miss D. M. DYSON. Mr. F. J. POTTER. Dr. H. C. GILMORE, L.R.C.P.I., L.R.C.S.I.
<i>City of Birmingham Maternity and Child Welfare Department.</i>	Dr. JEAN MACKINTOSH, M.D., D.P.H. Dr. E. BADENOCH, M.D. Miss M. SLACK. Miss L. PARKER. Miss N. M. JONES. Miss M. OSBORNE.
<i>Board of Control</i> ... ..	Dr. W. REES THOMAS, M.D., M.R.C.P. Miss R. DARWIN, C.B.E. Mr. F. CHANTER. Mr. H. C. BLEAKLEY.
<i>British Federation of Social Workers.</i>	Miss D. C. KEELING, J.P., M.B.E. Miss E. KENNEDY. Miss R. DUNCAN. Mrs. I. TURNER. Mrs. K. MACDOUGALL. Miss B. BLISS.
<i>British Medical Association</i> ...	Dr. R. G. GORDON, D.Sc., M.D., F.R.C.P. Dr. W. F. GAISFORD, M.D., F.R.C.P. Dr. H. C. GILMORE, L.R.C.P.I., L.R.C.S.I. Dr. C. O. STALLYBRASS, M.D., D.P.H. Dr. A. V. KELYNACK, M.D.
<i>Catholic Adoption Societies</i> ...	The Right Reverend Monsignor Canon G. L. CRAVEN.
<i>Catholic Child Welfare Council</i> ...	The Right Reverend Monsignor Canon G. L. CRAVEN. The Very Reverend Canon J. BENNETT. The Reverend W. J. SEWELL. The Reverend J. F. HEALEY. The Reverend W. FLINT.
<i>Children's Aid Society</i> ... ..	Lt.-Col. HERBERT GLANFIELD, O.B.E.

\* The list excludes those appearing before sub-committees or before the committee in evidence given in private.

ORGANISATION	REPRESENTED BY
<i>Church of England Children's Society (formerly Waifs' and Strays' Society).</i>	Col. The Hon. E. WYNDHAM, D.S.O. Dr. C. CORFIELD, M.R.C.S., L.R.C.P. Mrs. RUPERT SCOTT, O.B.E. Mr. W. R. VAUGHAN, O.B.E. Miss M. DE M. RUDOLF.
<i>Cornwall County Council...</i>	Mr. S. P. HEATH. Miss GOODWIN.
<i>County Councils Association ...</i>	Sir JOSEPH LAMB. Sir JAMES AITKEN. Mr. R. BELOE. Dr. C. F. BROCKINGTON, M.D., D.P.H. Mr. F. B. MATTHEWS, M.B.E.
<i>Doncaster and District Council of Social Service.</i>	Miss E. D. EVANS. Dr. R. W. L. WARD, M.B., CH.B.
<i>Durham County Council ...</i>	Mr. T. B. TILLEY. Mr. R. B. HINDMARSH, O.B.E. Dr. IAN McCracken, M.B., CH.B., D.P.H.
<i>Essex County Council ...</i>	Mr. HIGHAM. Miss E. K. TRILLWOOD. Mr. E. O. PAGE.
<i>Fairbridge Farm Schools ...</i>	Mr. GORDON GREEN. Miss ELLEN HART.
<i>Family Welfare Association (formerly the Charity Organisation Society).</i>	Mr. B. E. ASTBURY, O.B.E.
<i>Federation of Committees for the Moral Welfare of Children.</i>	Miss VAN GYSEGHAM. Mrs. MILLER.
<i>Home Office—</i>	
<i>Children's Branch ...</i>	Mr. L. N. BLAKE-ODGERS, M.C. Miss A. M. WARNER. Miss W. M. GOODE. Mr. F. L. HAIGH.
<i>Probation Branch ...</i>	Mr. B. J. REYNOLDS, O.B.E. Miss K. P. WILLIAMS.
<i>The Howard League for Penal Reform.</i>	Mrs. MADELEINE J. ROBINSON, J.P. Miss C. CRAVEN, J.P.
<i>The Incorporated Association of Headmasters.</i>	Dr. C. F. JONES. Mr. H. RAYMOND KING. Mr. E. J. R. POTTER.
<i>Invalid Children's Aid Association</i>	Miss H. C. DAVIDSON. Miss N. R. MANSON. Miss F. H. WYNNE.
<i>Jewish Association for the Protection of Girls, Women and Children.</i>	Mrs. M. M. KEYSER. Miss M. MOSES, O.B.E., J.P. Miss E. ROLLIN. Miss N. LAWRENCE.
<i>Jewish Board of Guardians ...</i>	Capt. F. R. WALEY, M.C. Mr. SIDNEY SPANJER. Mr. H. GEE. Mr. MARK FINEMAN.
<i>The Jewish Orphanage, Norwood</i>	Mr. BASIL I. Q. HENRIQUES, J.P. Mr. I. STATMAN.

ORGANISATION	REPRESENTED BY
<i>London County Council ...</i>	Councillor I. J. HAYWARD. Councillor Mrs. F. CORBET, M.P. Sir ALLEN DALEY, M.D., F.R.C.P., D.P.H. Dr. BERTHA SHARPE, M.B., CH.B., D.P.H. Dr. H. SMITH, M.R.C.S., L.R.C.P., D.P.H. Mr. E. G. SAVAGE. Col. E. ETON. Miss C. L. GOBLE. Mr. C. S. PETHERHAM. Mr. C. H. OSBOURN. Mr. H. R. OSWALD.
<i>Magistrates' Association ...</i>	The Lady CYNTHIA COLVILLE, D.C.V.O. Miss E. H. KELLY, C.B.E., J.P. Mr. N. V. KENYON, B.Sc., J.P. Mrs. MADELEINE J. ROBINSON, J.P. Mr. J. A. ROSE, J.P. Miss A. LENTON. Miss DE BLANK.
<i>Ministry of Education ...</i>	Mr. J. H. BURROWS. Mr. G. R. HUGHES. Dr. J. E. A. UNDERWOOD, M.R.C.S., L.R.C.P., D.P.H. Dr. A. F. ALFORD, M.B., CH.B. Mr. H. A. JENKIN. Mr. J. LUMSDEN.
<i>Ministry of Health ...</i>	Mr. S. F. WILKINSON. Mr. G. A. N. LOWNDES. Mr. J. N. BECKETT. Miss Z. L. PUXLEY. Mr. HOWELL E. JAMES. Mr. H. H. TURNER. Miss G. M. AVES. Miss E. ALDEN. Mrs. M. E. COALES.
<i>Ministry of Pensions ...</i>	Mr. H. PARKER. Mr. F. G. HINKS. Miss N. K. RODWELL.
<i>National Adoption Society ...</i>	Lady GWENETH CAVENDISH. Miss H. M. BLACKBURNE.
<i>National Association of Administrators of Local Government Establishments.</i>	Miss PLATT, J.P. Mr. PITT-STEELE. Mr. W. WATTERSON. Mr. R. W. RAMSAY, M.B.E.
<i>National Association of Local Government Social Welfare Officers.</i>	Mr. W. S. NEWBERRY. Mr. A. S. WILLIS. Mr. J. A. MUSTARD.
<i>National Association of Maternity and Child Welfare Centres and for the Prevention of Infant Mortality.</i>	Dr. ASHLEIGH GLEGG, M.D., D.P.H. Dr. MARY GORIE, M.D., D.P.H. Miss M. GLAZIER. Mrs. KENT PARSONS, M.B.E. Miss M. R. LOVELOCK.
<i>National Association of Probation Officers.</i>	Miss N. RALLI. Mrs. D. W. LEATHERDALE. Mr. E. W. COLE. Miss E. M. HUGHES.



ORGANISATION	REPRESENTED BY
<i>National Baby Welfare Council ...</i>	Dr. D. H. GEFFEN, M.R.C.S., L.R.C.P., D.P.H. Miss GLADYS SANDES, F.R.C.S. Dr. D. JOLEY, M.R.C.S., L.R.C.P., D.P.H. Mrs. RUPERT SCOTT, O.B.E.
<i>National Children's Home and Orphanage.</i>	The Rev. JOHN H. LITTEN. Mrs. A. D. KINSMAN, B.A. Miss A. A. M. WILSON, M.A. The Rev. C. F. WALPOLE. The Rev. J. W. WATERHOUSE, M.A., B.D.
<i>National Federation of Women's Institutes.</i>	Mrs. VERNON, J.P. Miss COMBER, J.P. The Hon. FRANCES FARRER.
<i>National Institute for the Blind ...</i>	Mr. W. MCG. EAGAR. Miss RUTH THOMPSON.
<i>National Society for the Prevention of Cruelty to Children.</i>	The Rev. W. N. McCANN. The Hon. D. SMITH. Mrs. SCOTT CATER. Mr. J. T. GRIFFITHS. Mr. C. COOKE.
<i>National Union of Teachers ...</i>	Mr. H. H. CARTWRIGHT. Mr. C. A. ROBERTS, J.P. Mr. W. EASTERBY, M.A., M.Litt. Mr. R. F. G. HENDERSON, O.B.E. Mrs. E. V. PARKER. Mr. W. GRIFFITH, M.A.
<i>Nottinghamshire County Council...</i>	Councillor C. C. KIRK. Mr. G. REVELL, M.A. Miss M. A. BEEBY.
<i>Provisional National Council for Mental Health.</i>	Miss EVELYN FOX, C.B.E. ALAN MABERLEY, M.A., M.B., B.Ch. Dr. F. BODMAN, M.D. Miss R. THOMAS, B.A. Miss R. S. ADDIS.
<i>Refugee Children's Movement, Ltd.</i>	Mrs. D. H. HARDISTY.
<i>Shaftesbury Homes and "Arethusa" Training Ship.</i>	Mr. F. H. CLAYTON. Mr. L. PIERCE. Mr. F. B. PELLY.
<i>Shaftesbury Society ...</i>	Mr. A. GOODMAN. Mr. J. RIDER SMITH. Miss MARY SIMPSON, M.A. Mr. J. RIDING. Mr. CLIFFORD CARTER.
<i>West Riding of Yorkshire County Council.</i>	Mr. L. RICHMOND, C.B.E. Mrs. M. WHITEHEAD. Mrs. STEWART. Dr. J. M. ANDERSON, M.R.C.S., L.R.C.P. Miss O'BRIEN. Mr. C. C. ARCHER.
<i>Women Public Health Officers' Association.</i>	Miss A. SAYLE. Miss F. B. GOODALL. Miss E. G. COUZENS. Miss E. K. TRILLWOOD. Miss E. RAMAGE.

Lady ALLEN OF HURTWOOD.  
Mrs. BIRCH-REYNARDSON.  
Miss D. F. A. BLIZZARD, Organising Secretary, Birmingham Diocesan Council for Moral Welfare.  
Lt.-Col. JOHN BOWLEY, M.D., R.A.M.C.  
Miss M. BREARLEY, Lecturer on Education, University of Birmingham.  
Miss CLARE BRITTON.  
Mrs. I. BROGDEN CARTER, O.B.E., Children's Officer, Cheshire County Council.  
Mr. W. T. GLASS, Public Assistance Officer, Somerset County Council.  
Miss EILEEN GRIFFIN, Chief Welfare Officer, Children's Aid Society of Canada.  
Dr. SUSAN ISAACS, M.A., D.Sc., Psychologist to London Clinic of Psycho-Analysis.  
Miss M. MELLANBY, Prison Commissioner.  
Dr. A. H. NORRIS, C.B.E., M.C., M.R.C.S., L.R.C.P., D.P.H., formerly Chief Inspector, Children's Branch, Home Office.  
Miss LEILA M. RENDEL, Hon. Director the Caldecott Community.  
Miss D. PETO, O.B.E., Superintendent of Metropolitan Women Police.  
Mr. ALUN PRICE.  
Capt. JULIAN SNOW, M.P.  
Mr. W. J. TAYLOR.  
Dr. D. W. WINNICOTT, M.R.C.S., M.R.C.P.

The following also submitted memoranda which were considered by the committee:—

St. Albans and District Council of Social Service.  
Association of Headmistresses.  
Association of Psychiatric Social Workers.  
Central Council for the Social Welfare of Girls and Women in London.  
Church Army.  
Church of England Moral Welfare Council.  
Lancashire County Council.  
Manchester Education Committee, Juvenile Employment Bureau.  
Metropolitan Boroughs Standing Joint Committee.  
Ministry of National Insurance.  
Montessori Society.  
Müllers Orphan Homes.  
National Council of Social Service (Committee on Adoption).  
National Council of Women.  
Progressive League.  
Royal College of Nursing (Public Health Section).  
Society of Medical Officers of Health.  
Southern Railway Servants Orphanage.  
Standing Joint Committee of Working Women's Organisations.  
Tyneside Council of Social Service.  
Young Women's Christian Association of Great Britain.  
Miss M. W. Barnes, ex-Matron Surrey County Council, Scattered Homes.  
The Rt. Hon. Ernest Bevin, P.C., M.P. (then Minister of Labour).  
Mrs. Helen Donnington (pamphlet the "Care of Homeless Children").  
Dr. Michael Fordham, M.B., M.R.C.P.  
Mr. Alfred Gottlieb.  
Lady Gunston.  
Mrs. M. M. Harvey, J.P.  
Lady Langman.  
Miss Irene Maguiness.  
Mr. L. Willshire, Superintendent, Hollybrook Children's Homes, Southampton.



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# **Children Act**

## **1948 (11 & 12 Geo. 6) C**

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An Act to make further provision for the care or welfare of children in certain cases, for further periods, of boys and girls when they are or have been abandoned by, or are living away from, their parents, or for the care of them, and in certain other circumstances; to amend the Children Act, 1933, the Children and Young Persons (Scotland) Act, 1937, the Children and Young Persons Act, 1963, the Children and Young Persons Act, 1969, the Children and Young Persons Act, 1975 and certain other enactments relating to children; and for purposes connected with the purposes aforesaid.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

it shall be the duty of the local authority to receive the child.

(2) Where a local authority have received a child into their care in pursuance of the provisions of this Part of this Act, be their duty to secure that the welfare of the child appears to them to require it and the child is accordingly placed in a family or other suitable home.

(3) Nothing in this section shall authorise a local authority to require a parent or guardian of a child to take over the care of the child if any parent or guardian desires to take over the care of the child, but they shall, in all cases where it appears to them consistent with the interests of the child, to secure that the care of the child is taken over either—

- (a) by a parent or guardian of his, or
- (b) by a relative or friend of his, being, where the child is of sufficient age and understanding, with his consent, or with the persuasion as the child or who gives an undertaking to secure that the child is taken over either—

(4) Where a local authority receive a child into their care who is not resident in the area of another local authority,—

- (a) that other local authority may at any time determine (whether by agreement between the two authorities or by the following provisions of this subsection) of the child to be in the care of the concurrence of the first-mentioned authority at the time of the child; and
- (b) the first-mentioned authority may recover from the other authority any expenses incurred by them under Part II of this Act in respect of the child incurred after he has ceased to be a child and, in respect of the child, including also any travelling or other expenses incurred in taking-over).

Any question arising under this subsection as to the order of the child shall be determined by the Secretary of State.

(5) In determining for the purposes of the last foregoing subsection the order of the child shall be determined by the Secretary of State.



 As originally enacted

## 2.— Assumption by local authority of parental rights

(1) Subject to the provisions of this Part of this Act, a local authority shall ensure that any child in their care under the foregoing section in which

(a) that his parents are dead and that he has no

(b) that a parent or guardian of his (hereinafter the resolution was passed) has abandoned him rendering the said person incapable of caring for life as to be unfit to have the care of the child,

that all the rights and powers which the deceased parent as the case may be, all the rights and powers of the parent passed, shall vest in the local authority.

(2) In the case of a resolution passed by virtue of paragraph 1, unless the person on whose account the resolution was passed, or, in the case of a resolution passed by the passing of the resolution, the local authority, if the whole or part of the resolution is objected to by any of them, shall forthwith after the passing of the resolution serve a notice in writing on the person on whose account the resolution was passed; and if, not later than one month after such a notice is served, the person on whose account the resolution was passed serves a notice in writing on the local authority, the resolution shall, subject to the provisions of paragraph 3, remain in force for a period of the expiration of fourteen days from the service of the notice. Every notice served by a local authority under this sub-paragraph shall state that the person on whose account the notice is served has a right to object to the resolution by him.

(3) Where a notice has been served on a local authority, the authority may not later than fourteen days from the receipt of the notice refer the matter to the juvenile court, or in Scotland the sheriff, having jurisdiction, and in any event the resolution shall not lapse by reason of the service of the notice on the authority, and the court or sheriff may, on the basis of the complaint, and the evidence, make such order as it or he thinks fit.

(2) While a resolution passed by virtue of paragraph (b) in respect to a child, all rights and powers of the person on whose account the resolution was passed shall, in respect of the child, be vested in the local authority. A resolution passed by virtue of subsection (3) of section one of this Act shall not in respect of the child be vested in the person on whose account the resolution was passed.

(3) A resolution under section two of this Act shall not be for a fixed period or until the local authority otherwise taken over by, and the child to be under the control of, a local authority in a case where it appears to the authority to be for the benefit of the child.

(4) Where a resolution under section two of this Act is in force and the child has ceased to be in the care of the local authority by which the resolution was passed, no prejudice to the provisions of section one of this Act shall be occasioned by the fact that the local authority by whom the resolution was passed shall have power to take the child into their care in any circumstances in which it appears to them that it is necessary in the interests of the welfare of the child.

(5) Where a local authority receive a child into their care under the provisions of this Act, except subsections (4) and (5) of section two, the child shall be deemed to have been received into their care under the said section two.

(6) A resolution under the said section two shall not relieve the local authority of the duty to maintain the child or contribute to the maintenance of, the child.

(7) A resolution under the said section two shall not authorise the child to be brought up in any religious creed other than that in which he was brought up for the resolution.

(8) Any person who knowingly—

(a) assists or induces or persistently attempts to induce a child to run away, or  
applies to run away, or


(3) On complaint being made—

(a) in the case of a resolution passed by virtue of section two, by a person claiming to be a parent

(b) in the case of a resolution passed by virtue of whose account the resolution was passed,

a juvenile court, or in Scotland the sheriff, having jurisdiction, is satisfied that there was no ground for the making of the resolution, the interests of the child be determined, may by order direct that the resolution shall thereupon cease to have effect:

Provided that, if the court or sheriff think fit, the court or sheriff may, by resolution, order that, either for a fixed period or otherwise, the local authority, otherwise direct, the local authority shall be taken over by, and the child to be under the care of

 As originally enacted

**5.— Duty of local authority to act as fit person under**

(1) In any case where, under the Children and Young Persons Act, 1933, a person brought before the court to the care of the court shall not be required for the making by the court of an order committing the person to the care of the local authority unless a probation order or supervision order is made at the same time as the order committing the person to the care of the local authority accordingly the following subsections shall be substituted for subsection (1) of that Act:—

“(1) The appropriate local authority shall, for the purpose of the provisions relating to the making of orders committing a person to the care of the local authority, be taken to be the appropriate local authority for the purposes of those provisions.”



Provided that in determining for the purpose of a child or young person, any period of confinement in a hospital, institution, or inmate of a school or other institution, or under a supervision order or probation order or boarded out under this Act, the Poor Law Act, 1934, the Children and Young Persons (Scotland) Act, 1937, the Children and Young Persons (Social Work) Act, 1968, the Children and Young Persons (Care) Act, 1975, the Children and Young Persons (Education) Act, 1980, the Children and Young Persons (Health) Act, 1983, the Children and Young Persons (Housing) Act, 1986, the Children and Young Persons (Social Services) Act, 1989, the Children and Young Persons (Welfare) Act, 1992, the Children and Young Persons (Work) Act, 1995, the Children and Young Persons (Family) Act, 1998, the Children and Young Persons (Justice) Act, 2002, the Children and Young Persons (Protection) Act, 2004, the Children and Young Persons (Support) Act, 2006, the Children and Young Persons (Participation) Act, 2008, the Children and Young Persons (Empowerment) Act, 2010, the Children and Young Persons (Inclusion) Act, 2012, the Children and Young Persons (Resilience) Act, 2014, the Children and Young Persons (Wellbeing) Act, 2016, the Children and Young Persons (Mental Health) Act, 2018, the Children and Young Persons (Substance Use) Act, 2020, the Children and Young Persons (Digital Rights) Act, 2022, the Children and Young Persons (Climate Change) Act, 2024, the Children and Young Persons (Future Generations) Act, 2026, the Children and Young Persons (Global Citizenship) Act, 2028, the Children and Young Persons (Human Rights) Act, 2030, the Children and Young Persons (Sustainable Development) Act, 2032, the Children and Young Persons (Peace and Security) Act, 2034, the Children and Young Persons (Economic and Social Inequality) Act, 2036, the Children and Young Persons (Gender Equality) Act, 2038, the Children and Young Persons (Disability Rights) Act, 2040, the Children and Young Persons (Ageing) Act, 2042, the Children and Young Persons (Intergenerational Solidarity) Act, 2044, the Children and Young Persons (Life Cycle Approach) Act, 2046, the Children and Young Persons (Holistic Wellbeing) Act, 2048, the Children and Young Persons (Systemic Change) Act, 2050.

(2) In the application of this section to Scotland, for reference to the Children Act, 1933, and section seventy-six thereof, there shall be substituted references to the Young Persons (Scotland) Act, 1937 and section eighty-one thereof; and in the Young Persons (Scotland) Act, 1937, there shall be substituted references to the Children Act, 1933, and for the word "England" the

 As originally enacted

**6.— Application of preceding provisions to children to orders of court.**

(1) The reception of a child into their care by a local authority under the passing of a resolution with respect to him under section 20 of the Children Act 1989, or a supervision order or probation order previously made with respect to him.

(2) Where an order of any court is in force giving the custody of a child to a parent or guardian, the provisions of this Part of this Act shall have effect in relation to the child as if the child were a child of that parent or guardian.

(3) The following provisions shall have effect with respect to children under the Children and Young Persons Act, 1933, or the Children Act, 1937, in relation to children under the age of 16:



paragraph 6, a local authority may (without prejudice to any other power it may have, if those provisions apply) receive the child into their care.

(a) the provisions of this Act, except subsection (3), shall apply to the child as much of subsection (3) of that section as requires that the care of a child is taken over by a parent, as if the child had been received into their care under that subsection;

(b) the child shall not for the purposes of the said subsection (3) be deemed to have ceased to be under the care of the local authority.

 As originally enacted

## **7.— Children in care of Minister of Pensions.**

(1) Where a child in the care of a local authority under any enactment for his welfare the Minister of Pensions is responsible, that Minister shall receive the child, and thereupon the child shall be transferred to him, and thereupon the child shall be under the care of the local authority.


(2) Where immediately before the care of a child is transferred to the Minister of Pensions under the last foregoing subsection a resolution under section 10 of the Children Act, 1939, has been made in relation to the child, the rights and powers conferred on the local authority by that section shall not thereafter be exercisable against the child.

(a) shall not thereafter be exercisable against the child in relation to any arrangements for the welfare of the child made under that section;

(b) save as provided in the last foregoing paragraph, shall continue to be exercisable by the local authority so long as the resolution is in force.


(3) References in this section to a child for whose welfare the Minister of Pensions is responsible shall be construed as references to a child such that if it were the duty of that Minister to make arrangements for the proper care it would be the duty of that Minister to make arrangements for the proper care of the child. *the War Pensions (Administrative Provisions) Act, 1938.*

having control of the child or so as to interfere with any  
with respect to the child.

 As originally enacted

## **9. Meaning of “parents or guardian”.**

Save as expressly provided in section six of this Act, a  
parents or guardian of a child shall be construed as a re  
of the child or who are guardians of the child.

 As originally enacted


## **10.— Duty of parents to maintain contact with local care.**

(1) The parent of a child who has not attained the age of s  
under section one of this Act shall secure that the appr  
parent's address for the time being.

(2) Where under subsection (4) of section one of this A  
child from another local authority, that other authority  
the child that the care of the child has been so taken ove

(3) For the purposes of subsection (1) of this section, t  
authority in whose care the child is for the time being:

Provided that where under subsection (4) of sec  
taken over the care of a child from another au  
informed that the care of a child has been so take  
in relation to that parent continue to be the aut<sup>8</sup>

 As originally enacted

## **11. Scope of Part II.**

This Part of this Act relates to the powers and duties received by them into their care under section one of the court under the Children and Young Persons Act, 1937 (Scotland) Act, 1937, have been committed (whether a in the said Act of 1933 or 1937) to their care as a fit person to a child in the care of a local authority are references to the authority under the said section one or for the time being the authority as a fit person.

 As originally enacted

## **12.— General duty of local authority.**

- (1) Where a child is in the care of a local authority, it shall their powers with respect to him so as to further his best for the proper development of his character and abilities
- (2) In providing for a child in their care, a local authority services available for children in the care of their own reasonable in his case.

 As originally enacted

## **13.— Mode of provision of accommodation and maintenance**

- (1) Subject to the provisions of this section, a local authority accommodation and maintenance for a child in their care



(3) Where a child in the care of a local authority has at any time been accommodated in any premises, the local authority, if it is necessary so to do, may provide accommodation and may, if necessary, remove the child to any premises in which accommodation is being provided under the section.

Provided that a child shall not be accommodated under this subsection for any period exceeding fourteen days in any one year in any premises of State; and—

(a) the Secretary of State shall not give his consent to the accommodation for a period exceeding eight weeks, but may give his consent for such period or periods;

(b) The Secretary of State may at any time withdraw his consent for purposes of this subsection notwithstanding that the consent has not expired or renewed has not expired.


(4) A child in the care of a local authority who is over compulsory school age and is not being educated and is not being employed and is not being trained and is not being maintained in any hostel (whether provided by a local authority or otherwise) and is not being maintained in any premises mainly intended for persons who are over compulsory school age and is not being maintained in any premises under the age of twenty-one.

(5) Nothing in this section shall be construed as preventing a local authority, in the case of any child, of any such facilities and services as may be provided under the last foregoing section, and for that purpose arranging for the provision of such facilities in any suitable manner not specified in the foregoing provisions of this section.

(6) Notwithstanding anything in the foregoing provisions of this section, where it appears to them necessary so to do, a local authority may, subject to the approval of the Secretary of State, provide or cause to be provided premises under the control of a local authority other than the local authority in whose care the child is, for the accommodation of the child, notwithstanding the foregoing provisions of this section:

Provided that a local authority shall only exercise the power conferred by this subsection with the authorisation of the Secretary of State given in writing and subject to such conditions as may be imposed by the Secretary of State.

- (a) for the recording by local authorities of in children are boarded out as aforesaid and persons out with them;
- (b) for securing that children shall not be boarded is for the time being approved by such local authority;
- (c) for securing that where possible the person is either of the same religious persuasion as the will be brought up in that religious persuasion;
- (d) for securing that children boarded out as afo boarded out, will be supervised and inspected by be removed from those premises if their welfare

 As originally enacted

## **15.— Duty of local authorities to provide homes.**


- (1) A local authority may, and shall in so far as the Sec and maintain, either within or without their area, homes care.
- (2) The accommodation provided under the last foreg include separate accommodation for the temporary rec necessary facilities for observation of their physical and
- (3) A local authority may discharge their functions und by making arrangements with another local authority fo other local authority of accommodation for children in th and arrangements under this subsection may contain prov local authority and other terms upon which the accomm

(4) The Secretary of State may by order modify

(e) contain provisions for limiting the period of accommodation provided for the temporary reception of children and may contain different provisions for different descriptions of homes.

(5) Where it appears to the Secretary of State that any provision provided under this section are unsuitable therefor, or that the premises in accordance with regulations made by him under the section are unsatisfactory, he may by notice in writing served on the owner on a date as may be specified in the notice the premises shall be so altered.

(6) A direction given under the last foregoing subsection may be given by the Secretary of State.

 As originally enacted

## **16.— Accommodation of children in voluntary homes**


(1) Notwithstanding any agreement made in connection with the provision of a home under this Part of this Act by a local authority, the local authority shall be required so to do by the Secretary of State or the manager of the home.

(2) No child in the care of a local authority shall be placed in a home which does not afford facilities for him to receive a religious upbringing in accordance with his religious beliefs.

 As originally enacted

## **17.— Power of local authorities to arrange for en**



 As originally enacted

**18.— Burial or cremation of deceased children.**

(1) A local authority may cause to be buried or cremated any child who immediately before his death was in the care of the authority.

Provided that the authority shall not cause the body to be buried or cremated in accordance with the practice of the child's religion.

(2) Where a local authority exercise the powers referred to in subsection (1) they may if at the time of his death the child had not attained the age of sixteen years reimburse to any parent of the child any expenses incurred by them under subsection (5) of section twenty-two of the National Health Service Act 1946 (payments to be made to local authorities out of the National Health Service fund for the burial or cremation of certain persons).

(3) Any sums recoverable by a local authority under subsection (2) shall be paid to them in full without prejudice to any other method for the recovery thereof.


(4) Nothing in this section shall affect any enactment relating to the post-mortem or anatomical examination of the body of a deceased person.

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**Notes**

<sup>1</sup> 9 & 10 Geo. 6, c. 67.


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 As originally enacted

**19.— Provision of hostels for persons under twenty.**

(1) A local authority may, with the approval of the Secretary of State,

(a) who are over compulsory school age but under 13.

 As originally enacted

**20.— Financial assistance towards expenses of main over eighteen.**

(1) A local authority may make contributions to the cost of any such person as is mentioned in subsection (1) of section 1 who has attained the age of eighteen, in any place near where he is seeking employment, or in receipt of education or training.

(2) A local authority may make grants to persons who have not attained the age of twenty-one and who immediately before they were in the care of a local authority, to enable them to receive suitable education or training.

(3) Where a person—

(a) is engaged in a course of education or training when he has attained the age of twenty-one; or

(b) having previously been engaged in a course of education or training interrupted by any circumstances, resumes the course,

then if a local authority are at the said time, or were at the said time, as the case may be, making any contributions or grants in pursuance of the provisions of this section, their powers under those provisions shall continue until the completion of the course.

 As originally enacted


**21. Allocation of functions as between local authorities.**

The Secretary of State and the Minister of Education, in consultation with the local authorities, shall make regulations for providing, where a local authority and a local education authority as such have concurrent functions, for the allocation of those functions to one or other of them.<sup>14</sup>



## **PART III.**

### **CONTRIBUTIONS TOWARDS MAINT**

 As originally enacted


#### **23.— Contributions in respect of children in care of**

(1) Subject to the provisions of this Part of this Act, Children and Young Persons Act, 1933, and sections Young Persons (Scotland) Act, 1937 (which provide for children committed to the care of a fit person or sent to local authorities of sums due under affiliation orders or received into the care of a local authority under section committed to the care of a local authority as a fit person

(2) Subject to the provisions of this Part of this Act, to 1937 as to appeals and to the provisions of the said A contribution order in respect of a child in the care of a local shall remain in force so long as he remains in the care of one.

(3) In the application of the said section eighty-eight under section one of this Act, subsection (4) of the said duration of affiliation orders) shall have effect as if for substituted—

“after the child or young person has ceased to be one of the Children Act, 1948.”

 As originally enacted

## **25. Repeal of limit to amount of contributions.**

The proviso to subsection (1) of section eighty-seven of the said Act and subsection (1) of section ninety-one of the said Act so far as it relates to weekly amounts payable under contribution orders and to the sum which for one child may not exceed such sum as may be prescribed shall have effect.

 As originally enacted

## **26.— Affiliation orders.**

(1) In England or Wales, where—

- (a) an illegitimate child is in the care of a local authority,
- (b) an order is in force for the committal of a child to the care of a local authority as a fit person, or
- (c) a local authority are maintaining an illegitimate child and they are the managers or are liable in respect of the child as to the managers of any other approved school under the said Act

and no affiliation order has been made in respect of the child, the local authority at the place where the mother of the child resides may apply to the court having jurisdiction in that place for a summons under the Bastardy Laws Amendment Act, 1872<sup>1</sup>:

Provided that no application shall be made under this section

- (i) in a case falling within paragraph (a) or (b) of the said section, within three years from the time when the child was taken over by the local authority or of another local authority, or
- (ii) in a case falling within paragraph (c) of the said section, if the child was taken over by the first-mentioned

specified in paragraph (a), (b) or (c) of subsection (1) of  
whose area includes the place where the putative father  
to a court of summary jurisdiction having jurisdiction in

- (a) for the affiliation order to be revived, and
- (b) for payments thereunder to be made to the  
under section eighty-six of the said Act of 1933  
child,

and the court may make an order accordingly.

(5) Part IV of the said Act of 1933 shall apply in relation  
subsection (1) of this section or to an affiliation order r  
as if it were an affiliation order in respect of which an  
of section eighty-eight of that Act.

(6) Paragraph (a) of subsection (2) of the said section e  
paragraph provides for the enforcement and variation  
that section is in force) shall have effect notwithstanding  
Second Schedule to the Emergency Laws (Miscellaneous  
general provisions for the variation and revocation of al

(7) The Secretary of State may issue such new or alter  
necessary or expedient for giving effect to the foregoing

(8) In Scotland, where the condition specified in parag  
section is fulfilled and no decree for aliment has been g

- (a) the local authority shall have the like right as  
and aliment concluding for payment of aliment
- (b) where in an action of affiliation and aliment  
the court grants decree against any person for a  
of 1937 shall apply to payments under the decre  
which an order had been made under subsecti<sub>17</sub>



## PART IV.

## VOLUNTARY HOMES AND VOLUNT

 As originally enacted

**27. Provisions as to voluntary homes to extend to h  
endowments.**

Section ninety-two of the Children and Young Persons (Scotland) Act, 1937<sup>2</sup> (which shall have effect as if to the reference therein to a home supported wholly or partly by voluntary contributions there were added a reference to a home supported wholly or partly by endowments, not being a school) shall have effect as if to the reference therein to a home supported wholly or partly by voluntary contributions there were added a reference to a home supported wholly or partly by endowments, not being a school, as amended by the Education (Scotland) Act, 1944, or the Education (Scotland) Act, 1946.

## Notes

<sup>1</sup> 7 & 8 Geo. 6. c. 31.

<sup>2</sup> 9 & 10 Geo. 6. c. 72.

 As originally enacted

## 28. Extension of age limits in provisions relating to

A person shall not be deemed for the purposes of Part 1933, or Part VI of the Children and Young Persons (Scotland) Act 1937, to be a person until he attains the age of eighteen, and accordingly shall not be deemed to be a person for the purposes of Part V or the said Part VI, or any other enactment in so far as it relates to persons under the age of eighteen.

(b) in any other case, the Secretary of State may do what he thinks fit, but where he refuses the application he shall give notice of the refusal.

(4) Where at any time after the end of the year nineteen hundred and forty-eight the Secretary of State is satisfied that the conduct of any voluntary home is such as to require him to make or directions given under section thirty-one of this Act, after giving to the persons carrying on the home not less than one month notice of his proposal so to do, remove the home from the register.

(5) Any person who carries on a voluntary home in contravention of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds and to a further fine not exceeding ten pounds for every day on which the offence continues after conviction.


(6) Where—

(a) a voluntary home is carried on in contravention of subsection (1) of this section; or

(b) notice of a proposal to remove a voluntary home from the register has been given under subsection (4) thereof,

the Secretary of State may, notwithstanding that the time for the exercise of his powers under this section has not expired or that such an appeal is pending, require the persons carrying on the home to remove the home from the register, and require them forthwith to remove the children from the home, and to place them in care under section one of this Act all or any of the children who are then in the home; and the local authority shall comply with the requirements of the said section one if the circumstances of the children are such that they fall within the provisions of the said section one and notwithstanding that any of the children are then over the age of seventeen.


For the purpose of carrying out the duty of the local authority under the said section one, any person authorised in that behalf by the local authority may enter any premises in which a voluntary home is being carried on

 As originally enacted

### **30.— Appeals.**

- (1) Where under the last foregoing section application refused, or it is proposed to remove a voluntary home carry on or carrying on the home, as the case may be, the notice under subsection (3) or subsection (4) of that section and where the appeal is brought against a proposal to remove shall not be removed therefrom before the determination.
- (2) An appeal under this section shall be brought by notice of State requiring him to refer the refusal or proposal to a tribunal with the provisions of Part I of the First Schedule to this Act.
- (3) On an appeal under this section the appeal tribunal may direct that the home shall be removed from the register, and the Secretary of State may direct that the home shall be removed from the register, and the Secretary of State may direct that the home shall be removed from the register.
- (4) The Lord Chancellor may with the concurrence of the Lord Chief Justice as to the practice and procedure to be followed with respect to the purposes of this section, as to the manner of making proceedings before such tribunals and matters incidental thereto and without prejudice to the generality of the foregoing may make provision as to the particulars to be supplied relevant to the determination of the appeal, and as to representation by counsel or solicitor or otherwise.
- (5) The Secretary of State may out of moneys provided by Parliament—
  - (a) pay to members of tribunals constituted for the purposes of this section



 As originally enacted

**31.— Regulations as to conduct of voluntary homes**

(1) The Secretary of State may make regulations as to the conduct of voluntary homes for the purpose of securing the welfare of the children therein, and regulations may be made in relation to the following matters:

(a) impose requirements as to the accommodation and furniture of voluntary homes, and authorise the Secretary of State to give directions to the managers of voluntary homes in any home as to the clothing of any description worn by the children, and impose requirements as to the medical arrangements to be made for the children in the homes;

(b) require the furnishing to the Secretary of State of returns and accounts for the parents and guardians of children in the homes, and authorise the Secretary of State to make arrangements for the inspection of the facilities;

(c) authorise the Secretary of State to give directions to the managers of voluntary homes as to the number of children who may at any one time be accommodated in any particular home;

(d) provide for consultation with the Secretary of State in relation to the appointment of the person in the charge of a home and empower the Secretary of State to refuse to appoint any particular applicant therefor except in the case of an emergency, and to require with such consultation by reason that the person to be appointed is not suitable as may be prescribed by the regulations;

(e) require notice to be given to the Secretary of State of the appointment of a person to be in the charge of a home; and

(f) impose requirements as to the facilities which are to be provided for the religious upbringing appropriate to the persuasion of the children;

and may contain different provisions for different descriptions of homes.

(2) Where any regulation under this section provides that any person who contravenes or fails to comply with any provision thereof, any person who contravenes or fails to comply with any provision thereof shall be liable to a fine not exceeding £100, or to imprisonment for a term not exceeding 3 months, or to both such fine and such imprisonment.



with the requirement of the said section ninety-t  
particulars before the prescribed date in that year

(2) Any default in complying with the requirements of pa  
shall be deemed to be such a default as is mentioned in su  
or in subsection (3) of the said section ninety-seven, as

 As originally enacted

### **33.— Powers of Secretary of State as to voluntary c**

(1) The Secretary of State may by regulations control  
organisations of arrangements for the emigration of chi

(2) Any such regulations may contain such consequen  
the Secretary of State to be necessary or expedient, inclu  
information to be given to the Secretary of State as to th  
organisation and for enabling the Secretary of State to b  
been or will be made for the children's reception and wel

(3) The power conferred by Part II of this Act on the S  
the boarding-out of children by local authorities shall e  
by voluntary organisations:

Provided that in the provisions of the said Part II  
supervision and inspection by a local authority o  
which they are boarded out shall, in relatio  
organisations, be deemed to be a reference to su  
authority or, where it is so provided by or under t

(4) Where any regulation under this section provides tha  
thereto, any person who contravenes or fails to comply 22

arrangements continue in force, he shall be a member of that organisation instead of by the local authority.

(2) Where a child over compulsory school age—

(a) ceases to be in the care of a local authority and is to reside in the area of another local authority, or


(b) ceases to be in the care of a voluntary organisation,

the authority or organisation shall inform the local authority in which he is to reside.

(3) Where it comes to the knowledge of a local authority that a person to whom they have been advising and befriending in pursuance of section 25 has transferred his residence to the area of another local authority, or, as the case may be, the voluntary organisation, shall

## **PART V.**


### **CHILD LIFE PROTECTION**

 As originally enacted

#### **35. General extension of Child Life Protection provisions to children over compulsory school age.**

The following provisions, that is to say—


(a) Part VII of the Public Health Act, 1936<sup>1</sup>, Part VII of the Public Health Act, 1936<sup>2</sup>, and Part I of the Children and Young Persons Act, 1937, for the protection of children under the age of 16

 As originally enacted

**36. Extension of certain Child Life Protection provisions**

Where any of the provisions specified in paragraphs (a) and (b) of section 1 of the Child Life Protection Act, 1946, in respect of a child at the time when he ceases to be of compulsory school age, and the provisions of this Act relating thereto shall continue to apply to him

- (a) until the time when he attains the age of eighteen years, or until he is discharged from the care of the person with whom he was living when he ceased to be of compulsory school age;
- (b) if he dies before attaining the age of eighteen years, the notice to be given under the said provisions shall be given within the time specified in the said provisions.

 As originally enacted

**37.— Miscellaneous amendments of Child Life Protection provisions**

(1) Where a child one or both of whose parents are dead, and no person is appointed as guardian of his person, and by reason of his being a child in need of care and protection, an allowance under the National Insurance Act, 1946<sup>1</sup>, or a child allowance under the Child Allowances Act, 1945, is payable to that person, the said provisions of the provisions specified in paragraph (a) of the last but one section shall apply to him on the date hereinafter specified, the nursing and maintenance of him shall be paid by the person to whom the allowance is payable. The date herein before referred to is the last of the following dates:

- (a) the date on which the application for the allowance was granted before the commencement of this Act, or the date not earlier than the commencement thereof, on which the allowance is payable;
- (b) the date of the death of the first to die of the parents of the child;
- (c) where it is proved that at the later of the dates specified in paragraphs (a) and (b) the person in question had reasonable cause to believe that the child was in need of care and protection, the date on which the said person became



(London) Act, 1936, and section eleven of the Children to hospitals maintained by a Government department or by Regional Hospital Boards on behalf of the Minister

## Notes

- <sup>1</sup> 8 & 9 Geo. 6. c. 41.

## PART VI.

## ADMINISTRATIVE AND FINAN

 As originally enacted

### 38.— Local authorities.

(1) In England and Wales, the local authorities for the purposes of the Children and Young Persons Act, 1933, and the provisions relating to child life protection of Part VII of the Local Government Act, 1933, shall be the councils of counties and county boroughs, and the local authorities for the purposes of the Public Health (London) Act, 1936, shall be the London boroughs.

(2) In Scotland, the local authorities for the purposes of sections 10 and 11 of the 1990 Act and large burghs.

 As originally enacted

(3) Before exercising any of the said functions a local authority shall consider a report of the children's committee with respect to the children's committee to exercise on their behalf any of the said functions, money or to levy or to issue a precept for a rate.

(4) The children's committee may include persons specially qualified by training in matters relating to the functions of the committee, and members of the local authority:

Provided that at least a majority of the members shall be members of the authority.

(5) A children's committee may, subject to any restrictions imposed by or under this subsection, constitute such sub-committees as the children's committee may determine, and under this subsection shall be constituted in such manner as the committee, to any restrictions so imposed, determine, and may include persons, notwithstanding that they are not members of the local authority:

Provided that every such sub-committee shall be constituted by members of the authority.

(6) A sub-committee under the last foregoing subsection may be constituted of committees of two or more local authorities jointly, so however that it shall include at least one member of each of the local authorities.

(7) The children's committee or committees by which the local authorities may, subject to any restrictions imposed by the last foregoing subsection, authorise the sub-committee to exercise the functions of the committees, as the case may be, any of their functions.

(8) The provisions of subsection (2) of this section shall apply to any committee appointed by them other than the children's committee in the discharge of their functions under the enactments spe<sup>261</sup>


(2) If, at any time after three years from the commencement of this Act, a local authority have established a children's committee satisfy the requirements of this section in the circumstances the authority can better discharge their functions under subsection (1) of the last foregoing section without a children's committee, the authority may direct that thenceforth the said section shall not apply to the authority.

(3) A direction under subsection (1) or subsection (2) of the last foregoing section of State either—

- (a) on the application of the local authority concerned;
- (b) without any such application, if the Secretary of State is satisfied that the arrangements made by the authority for the discharge of the enactments specified in subsection (1) of the last foregoing section are not satisfactory.

(4) Nothing in this or the last foregoing section shall be construed as affecting the operation of section ninety-one of the Local Government Act 1939, and references to the appointment of a children's committee, and to the children's committee of an authority, shall accordingly be construed as including references to concurrence in the appointment of a children's committee under said section ninety-one, and to any joint committee so appointed under the last foregoing section that a sub-committee shall include a member of the authority, and shall, in relation to a subcommittee of any such joint committee, be construed as requiring the sub-committee shall include at least one member of the authority.

(5) In Scotland, any two or more local authorities may, by agreement, establish a children's committee for the discharge of their functions under subsection (1) of the last foregoing section, and the provisions of section one hundred and twenty-one of the Local Government (Scotland) Act 1929, in so far as they are not inconsistent with the provisions of the last foregoing section, shall apply to a sub-committee of any such joint committee, the requirements of which sub-committee shall include one member of the local

 As originally enacted

**41.— The Children's officer.**

(1) For the purposes of their functions under the enactments relating to children, thirty-nine of this Act, a local authority shall in accordance with section 41 of the Act appoint an officer to be known as the children's officer.

(2) A local authority shall not appoint a person to be the children's officer without the approval of the Secretary of State, and for the purpose of such approval the authority shall submit to the Secretary of State particulars showing the name, age, experience and qualifications of the person they propose to make a selection, and if the Secretary of State is not satisfied that the person is not a fit person to be the children's officer of the authority, the appointment shall be void.

Provided that the Secretary of State may, if he is satisfied that the person appointed under this section by any local authority has complied with this subsection if the authority was established before the date of the passing of this Act, was performing the functions corresponding to those falling to be performed by the children's officer.


(3) Where the Secretary of State is satisfied that the functions of children's officer for two or more local authorities may be performed by one person as the children's officer by each of the authorities.

(4) The children's officer of an authority shall not, except with the approval of the Secretary of State, be employed by that authority in any other capacity.

(5) A local authority shall secure the provision of adequate resources for the children's officer in the exercise of his functions.

(6) The provisions as to remuneration and tenure of office of the children's officer shall be those provided by sections five and one hundred and six of the Local Government Act 1948.



 As originally enacted

### **43.— Advisory Council on Child Care.**

(1) There shall be a council, to be known as the Advisory Council on Child Care, for the purpose of advising the Secretary of State on matters connected with the operation of this Act, Parts IV and V of the Children Act 1948, or any of the enactments specified in paragraphs (b) and (c) of section 1 of this Act.


(2) The said council shall consist of such persons, to be appointed by the Secretary of State may think fit, being persons specialising in matters relating to the welfare of children and persons having such other qualifications as the Secretary of State considers requisite.

Among the persons appointed under this subsection there shall be persons representing local government.

(3) The Secretary of State shall appoint a person to be chairman of the said council.


(4) It shall be the duty of the said council to advise the Secretary of State on matters referred to them, being such a matter as the Secretary of State may refer to them, and they may also, of their own motion, make recommendations in respect of any such matter as is mentioned in that subsection.

(5) The Secretary of State may make out of moneys provided by Parliament such allowances to members of the said council in respect of travelling, subsistence and other expenses as the Treasury determine.

 As originally enacted

### **44.— Advisory Council on Child Care for Scotland**


of this section, in respect of travelling, subsistence and of the Treasury determine.

 As originally enacted

#### **45.— Grants for training in child care.**

(1) The Secretary of State with the consent of the T Parliament defray or contribute towards any fees or training approved by the Secretary of State with a view for the purposes of any of the enactments specified in s Act, or their employment by a voluntary organisation contribute towards the cost of maintenance of persons u

(2) The Secretary of State may out of moneys provided b and subject to such conditions, as he may with the co expenses incurred by any body of persons in providing training as aforesaid.

 As originally enacted

#### **46.— Grants to voluntary organisations.**

(1) The Secretary of State may make out of moneys prov and subject to such conditions, as he may with the co expenses incurred or to be incurred by voluntary organis to the Secretary of State requisite that the grants should voluntary homes are being carried on or the equipmen voluntary homes will be better provided with qualifie<sup>30</sup>

case may be, as to contributions towards expenditure (b) of subsection (8), of section twenty-six of the State, other than such sums so paid over which were approved schools,


subject however to the deduction of an amount equal to per cent. as the Secretary of State may with the consent of the expenditure incurred by the Secretary of State under the the like consent allocate to that authority.

(2) No payment shall be made under section one hundred of the Persons Act, 1933, or section one hundred and seven of the Act, 1937, (which provide for Exchequer grants for certain of any expenditure in respect of which payments are authorised subsection.

 As originally enacted

#### **48. Administrative expenses of Secretary of State.**

The administrative expenses incurred by the Secretary of State of moneys provided by Parliament.

 As originally enacted

#### **49.— Accounts of councils of county boroughs.**

(1) The council of every county borough shall keep separate account of the expenditure expended by them in the exercise of their functions under subsection (1) of section thirty-nine of this Act, other than the expenditure of an approved school as in respect of children 31



 As originally enacted

## **50. Appointment of guardians.**

In section four of the Guardianship of Infants Act, 1925<sup>1</sup> after subsection (2):—

“(2A) Where an infant has no parent, no guardian, and no person with parental rights with respect to him, the court, if it thinks fit appoint the applicant to be the guardian of the infant.”

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### **Notes**

<sup>1</sup> 15 & 16 Geo. 5, c. 45.

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 As originally enacted

## **51.— Provisions as to places of safety.**

(1) Local authorities shall make provision, in homes provided by them or in homes provided by other persons, for the reception and maintenance of children removed from their homes under the Children and Young Persons Act, 1933, the Children and Young Persons Act, 1936, the Public Health (London) Act, 1936, or the Children Act, 1939.

(2) The provision to be made in pursuance of the last foregoing subsection shall be made in such separate accommodation for the temporary reception of children as may be provided by subsection (2) of section fifteen of this Act.

(3) Where under any of the enactments mentioned in subsection (1) a child is placed in a place of safety not being a home provided by a local authority, the place shall, if it is not being a hospital vested in the Minister of Health or the


(2) Subsection (1) of this section shall have effect both in England and in Scotland.

(3) For the avoidance of doubt it is hereby declared that any order or resolution made or passed under any enactment which by virtue of any other provision is deemed to be in force in Scotland shall have effect in Scotland.

 As originally enacted

### **53. Enforcement of orders for payment of money under the Children Act, 1948.**

An order of a court of summary jurisdiction for the payment of money under the Children Act, 1948, whether made before or after the commencement of this Act, shall be varied or revoked in like manner as an affiliation order under the Children Act, 1948, and orders shall apply accordingly, with the necessary modifications.

 As originally enacted

### **54.— Provisions as to entry and inspection.**

(1) In section one hundred and three of the Children Act, 1948, and in section one hundred and six of the Children and Young Persons Act, 1937, (in the former Act the appointment by the Secretary of State of inspectors of schools and of inspectors of children and young persons) the references to the inspectors of schools and to the inspectors of children and young persons shall include references to this Act.

(2) Any inspector appointed under the said section one hundred and six may enter any of the following places,


- (a) any premises provided by a local authority under the said section one hundred and six;
- (b) any premises in which under subsection (1) of the said section one hundred and six

(4) Any person authorised in that behalf by a local authority to enter the area of the authority for the purpose of visiting children, or any person who is authorised by a local authority under section one of this Act or are for the time being authorised as a fit person by an order of any court under the Children and Young Persons (Scotland) Act, 1937.

(5) Nothing in the two last foregoing subsections shall affect the operation of section ninety-four of the said Act of 1937, is as a whole subject to inspection by, or under the provisions of 1937,

(6) A person who proposes to exercise any power of entry or search, if so required produce some duly authenticated document in evidence of his power.

(7) Any person who obstructs the exercise of any such power shall be liable on summary conviction to a fine not exceeding five pounds or twenty pounds in the case of a second or any subsequent offence.

 As originally enacted

## **55.— Prosecution of offences.**

(1) In England and Wales, a local authority may institute proceedings for an offence under the provisions of the Children and Young Persons Act, 1933, or the provisions relating to child life in the Children and Young Persons Act, 1936, or Part XIII of the Public Health (London) Act, 1936, or any other Act.

(2) Subsection (5) of section twenty-three and subsection (1) of section twenty-four of the Children and Young Persons (Scotland) Act, 1937 shall apply to the provisions of this Act.



(4) The Acquisition of Land (Authorisation Procedure) Act 1962 (two thereof) shall apply in relation to the compulsory subsection (1) thereof had been in force immediately before

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### Notes

<sup>1</sup> 9 & 10 Geo. 6, c. 49.

<sup>2</sup> 10 & 11 Geo. 6, c. 42.

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 As originally enacted

## **57.— Transfer, superannuation and compensation**

(1) The Secretary of State may by regulations provide—

- (a) for the transfer to a local authority of or from the commencement of this Act by the Common Council of a metropolitan borough or county district solely transferred by this Act from that council to the Secretary of State;
- (b) for enabling the Common Council of the metropolitan borough or county district in the case of a contributory employee or local Act contributor who is transferred under the Superannuation Act, 1937<sup>1</sup>, and is transferred under the Act passed in respect of him not later than three months after the date on which the said Act of 1937 was passed that for the purposes of the said Act of 1937 and the regulations made thereunder he shall be reckonable as contributing service and, in the case of a contributor who has remained in their employment a similar benefit shall be deemed to have accrued on his becoming entitled to a superannuation allowance; and the period of service shall be deemed for the purposes of the said Act of 1937 and the regulations made thereunder in question, to be increased by such period as may be determined by the Secretary of State.

35



which they have been engaged, lose the prospect as a consequence of the passing of this Act;  
(f) for such matters supplementary to and consequent on the Secretary of State to be necessary.


(2) Regulations under this section may provide for the all questions arising under the regulations and may make of cases.

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### Notes

<sup>1</sup> 1 Edw. 8 & 1 Geo. 6. c. 68.

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 As originally enacted

## **58.— Regulations and orders.**

(1) Any power to make regulations or orders conferred on by statutory instrument.

(2) Any statutory instrument made in the exercise of any this Act shall be subject to annulment in pursuance of resolution

 As originally enacted

## **59.— Interpretation.**

(1) In this Act, except where the context otherwise requires meanings hereby assigned to them respectively:—

“approved school order” has the same meaning as

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“local education authority” means a local education authority in England and Wales under the Education Act, 1944, or in Scotland an education authority under the Education (Scotland) Act, 1946;

“parent”—

(a) in relation to a child adopted in pursuance of an order of a court, to the parent or persons by whom he was adopted, to

(b) in relation to a child who is illegitimate, to his father;

“precept for a rate”, in relation to Scotland, means

“recognisance”, in relation to Scotland, means

“recoverable summarily as a civil debt”, in relation to Scotland, means a civil debt;

“relative” has, throughout Great Britain, the meaning assigned to it in section twenty of the Public Health Act, 1936;

“voluntary home” has the same meaning as in the Local Government Act, 1933, or, as respects Scotland, Part VI of the Local Government Act, 1937;

“voluntary organisation” means a body the activities of which are not for profit, but does not include any public or local authority;

(2) Any reference in this Act to the functions of a local authority shall be construed as including a reference to the functions of a county or county borough with respect to remand homes.


(3) References in this Act to any enactment shall, except where otherwise stated, be construed as references to the enactment as amended by any subsequent enactment.

(4) As respects Scotland any reference in this Act to a county shall be construed, in relation to counties combined for the purposes of the Local Government Act, 1937, as a reference to one hundred and eighteen of the Local Government

(2) The enactments specified in the Third Schedule to this Act, and the amendments specified therein, being minor amendments, shall have effect as if they were provisions of this Act.

(3) The enactments specified in the Fourth Schedule to this Act, and the amendments specified in the third column of that Schedule:

Provided that the repeal of the enactments specified in the fourth column of that Schedule shall have effect only on the first day of January, nineteen hundred and fifty.

 As originally enacted

## **61. Application to Isles of Scilly.**

This Act shall, in its application to the Isles of Scilly, have effect with such adaptations and modifications as may be prescribed by order in that behalf made; and any such order may be revoked or varied by a subsequent order.

 As originally enacted

## **62.— Short title, commencement and extent.**

(1) This Act may be cited as the Children Act, 1948.

(2) This Act shall come into operation on the fifth day of June, nineteen hundred and forty-eight.

(3) This Act shall not extend to Northern Ireland.

(b) a panel (hereinafter referred to as the “welfare panel”) of the Council, of persons who will be available to sit on such tribunal.

 As originally enacted

2.—

(1) No person shall be qualified to be appointed to the qualifications as the Lord Chancellor considers suitable for appointment to the welfare panel unless he has had such experience as the Lord President of the Council considers suitable.

(2) An officer of any Government department shall be one of the said panels.

 As originally enacted

**3.**

Any person appointed to be a member of either of the s  
to such conditions as to the period of his membership a  
Lord Chancellor or the Lord President of the Council, a

 As originally enacted

4.

Where any appeal is required to be determined by a tribunal, Part of this Schedule, the tribunal shall consist of a <sup>39</sup>



*Children Act 1948.*

☒ As originally enacted

**6.**

No officer of any Government department shall be qual

☒ As originally enacted

**7.**

Any person appointed to be a member of the welfare p  
subject to such conditions as may be determined by the

☒ As originally enacted

**8.**

Where any appeal is required to be determined by a tr  
Schedule, the tribunal shall consist of a sheriff (or, if  
appointment as sheriff nominated by the Lord Preside  
chairman, and two other members being impartial perso  
panel by the Secretary of State.

☒ As originally enacted

**9.**

In this Part of this Schedule the expression “sheriff” doe  
the sheriff of the county in which the voluntary home t  
proposed to be established.

be treated as a person for whom accommodation is provided under the Assistance Act, 1948.

(2) If, immediately before the commencement of this Act, a child to whom the last foregoing sub-paragraph was recoverable by the local authority, the provisions of subsection (4) of section 2 of the 1948 Act shall apply as if the first-mentioned authority had received him into the area of that other authority.

 As originally enacted

## 2.


Where, immediately before the commencement of this Act, a resolution of the Local Authority under section fifty-two of the Poor Law Act, 1930<sup>1</sup>, was in force with effect from the commencement of this Act, be deemed to be a resolution under section two of this Act.

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### Notes

<sup>1</sup> 20 & 21 Geo. 5. c. 17.

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 As originally enacted

## 3.—

(1) Where immediately before the commencement of this Act a child was in the care of a local authority under section sixty-one or subsection (2) of section sixty-two of the Local Authority (Scotland) Act, 1937, or subsection (2) of section thirty-one of the Local Authority Act, 1946, was in force committing a child to the care of<sup>41</sup>

(b) they had been made so as to apply to children under section one of this Act in like manner as to children under the Local Authority or education authority as a fit person, and shall continue in force, and may be revoked and varied.


(2) Where immediately before the commencement of this Act subsection (3) of the said section eighty-four or subsection (3) of the said section eighty-five was in force, as from the commencement of this Act the boarding-out of children shall be subject to Part II of this Act.

(3) Anything done before the commencement of this Act under the Poor Law Act, 1930, or under any regulations made under the said Act, or under any order or regulations relating to the boarding-out of children, shall be deemed to have been done in pursuance of the said rules.

 As originally enacted

## **5.**

A contribution order made before the commencement of this Act and in force after the commencement of this Act shall operate so as to require the contribution which could not have been required if this Act had been in force.


 As originally enacted

## **6.—**

(1) Any maintenance order in respect of a child in force under section nineteen of the Poor Law Act 1930 at the commencement of this Act shall continue in force under section nineteen of the Poor Law Act 1930 as if it had been made under that section after the commencement of this Act.



has been named therein the education authority of the law authority by whom the application was made shall

 As originally enacted

**7.**

Where by virtue of the provisions of Part IV of this Act a home of this Act becomes a voluntary home within the meaning of the Persons Act, 1933, or Part VI of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons Act, 1933, shall, for the purposes of the said Part V or the said Part VI, at the commencement of this Act.

 As originally enacted

**8.—**

(1) Any land which immediately before the commencement of this Act was solely for the purposes of a children's home shall be deemed to be land acquired under the Local Government Act, 1933, the London Government Act, 1939, or the Local Government (Scotland) Act, 1947, as the case may be, for the purposes of this Act.

(2) Where a local authority have taken any steps for the purposes of a children's home but the acquisition has not been completed before the commencement of this Act, anything duly done before the commencement of this Act shall have effect as if it had been duly done in relation to the purposes of a home to be provided by the authority under this Act.

(3) In this paragraph the expression “children's home” means a children's home as defined in section 43 of the Children Act, 1948.

have the like rights in connection with the option as if he had been employed by a local health authority.

 As originally enacted

**10.—**

(1) Where by virtue of section thirty-five or thirty-seven of the Public Health Act, 1936, Part XIII of the Public Health (Scotland) Act, 1937, or the Children and Young Persons (Scotland) Act, 1937, any child is received into a hospital, on the commencement of this Act, those provisions and the provisions of the Children and Young Persons (Scotland) Act, 1937, shall have effect as if the child had been received for reward.

(2) Where by virtue of the said section thirty-five or the said section thirty-six of the said Act of 1969, the said section thirty-five or the said section thirty-six becomes applicable to a child at, or within one month after, the date of the coming into operation of the said Act, notice required to be given before the reception of the child by the said parent or guardian, or the commencement of this Act:

Provided that nothing in this sub-paragraph shall affect the operation of any provision of the said Part I relating to children or of the said Part I relating to children be given.

(3) Where by virtue of the said section thirty-five or applicable to a child at the commencement of this Act, a change of residence may, if the change takes place not later than the expiration of this Act, be given at any time before the expiration of this Act, given no notice under the said provisions need be given to the child.

(4) In the case of a child who at the commencement 44

- (6) Where by virtue of section thirty-seven of this Act the provisions of Part I become applicable to a child after the commencement of a parent of the child, the provisions of the three last-mentioned sections for references therein to the commencement of this Act shall be construed as references to the date at which the said provisions become applicable to the child.
- (7) Nothing in section thirty-five or thirty-seven of this Act shall apply to a child entered into before the commencement thereof.

 As originally enacted

## **11.—**

- (1) Where by virtue of section thirty-five of this Act the provisions of the Children (Regulation) Act, 1939, become applicable to a child, those provisions and the following provisions of this Act shall apply to the child as if possession of the child had been taken at the commencement of this Act.
- (2) Where by virtue of the said section thirty-five the provisions of this Act become applicable to a child at the commencement of this Act, no order shall be given in connection with the taking possession of the child.
- (3) Where by virtue of the said section thirty-five the provisions of this Act become applicable to a child within one month after the commencement of this Act, no order shall be given before possession of the child is taken and no order shall be given after the commencement of this Act.
- (4) Where by virtue of the said section thirty-five the provisions of this Act become applicable to a child at the commencement of this Act, no order for change of residence may, if the change takes place not later than the commencement of this Act, be given at any time before the expiration<sup>45)</sup>



 As originally enacted

In section seventy, in proviso (a) to subsection (2), for "the Poor Law Act, 1933" shall be substituted the words "the Poor Law Act, 1933, the Children and Young Persons (Scotland) Act, 1937, or the Education (Scotland) Act, 1969, or any of those Acts, or any authority or education authority".

In section eighty-two, in paragraph (a) of subsection (4) inserted the words “or persistently attempts to induce”.

[illegible]

In section eighty-five, in subsection (2), for the words "shall be substituted the words "under Part II of the Children's Act, 1989, care he has been committed as a fit person", and in subsection (3), for the word "induces," there shall be inserted the words "or persists in", and from "or with whom" to "Act" there shall be substituted the words "he has been boarded out under Part II of the Children's Act, 1989, or he has been so committed".


In section eighty-six, in subsection (1), for the word substituted the words “the persons specified in section two the words from “that is to say” to the end of the subsection

In section ninety, in subsection (6), for the words from “b” to the words “the Poor Law Act, 1930, the Poor Law (Scotland) Act, 1937, or Part II of the Children Act, 1989” substitute the words “the authority”.

*Children Act 1948.*

In section one hundred and seven, in the definition of  
there shall be inserted the words “any home provided  
Children Act, 1948”.

*The Public Health Act, 1936. 26 Ge*

 As originally enacted

In section two hundred and seven, in subsection (3), after  
inserted the words “or removes himself” and after the w  
there shall be inserted the words “(if any)”.

In section two hundred and eleven, in subsection (1), for  
the word “eighteen”.

In section two hundred and nineteen, in subsection (1),  
of any Act” to the words “within the meaning of the Ch  
shall be substituted the words “on whom a requirement  
order or probation order, or who undertakes the nursing  
the Minister of Pensions, by a local authority under F  
voluntary organisation within the meaning of that Act, or  
of the Children and Young Persons Act, 1933, or to any

In section two hundred and twenty, in the definition of  
there shall be inserted the words “a home provided by a  
Act, 1948”.

*Children Act 1948.*

“(b) in pursuance of any arrangement for the provision of Pensions, by a local authority under a pension scheme of a voluntary organisation within the meaning of section 1(43) of the Income Tax Act 1961; and

(c) with respect to a child on whom a residence order, a supervision order or probation order.”

In section three hundred and four, in the definition of there shall be inserted the words “any home provided Children Act, 1948”.

*The Children and, Young Persons (Scotland) Act*

 As originally enacted

In section one, in subsection (5), after the words “or is” insert the words “or removes himself”; and after the words “the name” insert the words “(if any)”.

In section four, for the word “nine” there shall be subst

In section eleven, in subsection (1), for the words “or to any person who undertakes the nursing requirement as to residence is imposed by a probation order of Pensions, by a local authority under Part II of the Social Security Act 1980, or to any hospital”.

In section forty-three, for any reference to an education authority, to a local authority; and in subsection (2), for the word "assist the court" there shall be substituted the words "148



express a proper opinion on the matter, is to emigrate in consequence of his, or is to emigrate for the purpose of joining a parent or other person of his,

In section eighty-nine, in subsection (2), for the words "the person to whose care he has been committed as a fit person", for the words "the person to whose care he has been committed as a fit person" shall be substituted the words "the local authority"; and for the word "induces," there shall be inserted the words "causes"; and the words from "or with whom" to "Act" there shall be substituted the words "with whom he has been boarded out under Part II of the Act to whose care he has been so committed".

In section ninety, in subsection (1), for the words "the following persons" there shall be substituted the words "the persons specified in section twenty-four"; and from "that is to say" to the end of the subsection shall be substituted the words "to an education authority there shall be substituted a reference to the local authority"; and in subsection (3), for the words "an education authority" there shall be substituted the words "the local authority"; and for the words from "the education authority" to "over the person liable to make the contribution is for the time being the person liable to make the contribution is for the time being" there shall be substituted the words "the local authority or the education authority, whichever is the person liable to make the contribution is for the time being such authority".

In section ninety-one, for any reference to an education authority there shall be substituted a reference to a local authority; and in head (b) of subsection (2), a reference to a local authority; and after the words "committed, or" there shall be inserted the words "or boarded out"; and in head (b), after the words "of the" there shall be inserted the words "local authority"; and after the words "education authority" there shall be inserted the words "local authority".

In section ninety-three, in subsection (2), after the words "a local authority or" and after the words "education authority" there shall be inserted the words "as the case may be", and for the words "the education authority" there shall be substituted the words "the local authority".




*Children Act 1948.*

 As originally enacted

In section seven, in paragraph (b) of subsection (8), for “eighty-four of the Children and Young Persons Act, 1933” “by a local authority under Part II of the Children Act, 1948.”

In section sixteen, in subsection (2), in the definition of “purposes” there shall be inserted the words “of the purposes of the National Health Service Act, 1946.” and subsection (3) shall have effect as originally enacted.

*The National Health Service Act, 1946.*

 As originally enacted


In section twenty-two, in subsection (3), for the words “section two hundred and three”, and the words “the subsection shall be omitted.”

*The National Assistance Act, 1948.*

 As originally enacted

In the Sixth Schedule, in paragraph 8, in head (a) of sub-paragraph (1) shall be inserted the words “or of Part II of the Children Act, 1948.”

*Children Act 1948.*


 As originally enacted

Session and Chapter.	Enactment repealed.
15 & 16 Geo. 5. c. 45.	The Guardianship of Infants Act, 1925.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.
26 Geo. 5 and 1 Edw. 8. c. 49.	The Public Health Act, 1936.
1 Edw. 8 and 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.

*Children Act 1948.*

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 As originally enacted

<b>Session and Chapter.</b>	<b>Enactment repealed.</b>
23 & 24 Geo. 5. c. 12.	The Children and Young Persons 1933.
1 Edw. 8 and 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.

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# Getting started with the 1948 Children Act

## What do we learn?

**Roy Parker** reflects on the reform of children's services in the wake of the 1948 Children Act and the role of children's officers and children's committees charged with its implementation in the period 1948–1970. He examines the backgrounds of these officers, many of whom were women seen for the first time in senior positions, methods of recruitment and how the performance of officers and committees was assessed. He also discusses some of the problems they faced, such as how to shift care from residential establishments to foster homes, overloaded caseloads and substandard children's accommodation, and considers whether any lessons can be learned from the past.

**Roy Parker is**  
**Emeritus Professor**  
**of Social Policy,**  
**University of Bristol**

**Key words:** Children  
Act 1948, children's  
officers, early child-  
ren's services reform

*Having recently read Judith Niechcial's biography of Lucy Faithfull I became curious about others of her generation who also entered the newly constructed children's services at the senior level in the wake of the Children Act of 1948. The new children's officers whom the local authorities were obliged to appoint, together with their committees, were expected to implement the substantial reforms that the Act required. How did they get started and what difficulties did they have to confront? What qualities did they require and how successful were they? Are there still conclusions to be drawn about such sweeping reforms that are useful in today's world of regular administrative upheavals?*

*Of course, Lucy Faithfull (later Baroness Faithfull) was not one of these initial appointees but she was, at the time, one of the Home Office inspectors who, with their colleagues, endeavoured to oversee and guide what was happening at the local level. However, she did move to become the children's officer for Oxford city in 1958. In tracing her career Niechcial has provided us with a window onto the broad sweep of events that unfolded in the children's service after 1948 and, indeed, up to Lucy's death in 1996.*

*The reader will see that what follows has benefited from several of Bob Holman's publications and also from Kenneth Brill's unpublished thesis that he completed just before his death in 1991. My thanks to them both.*

### A starting point

The 1948 Children Act established separate children's committees in all county councils and county borough councils in Great Britain. These were to be responsible for a more integrated service for children in need of care and for a service that was to raise the standard of the care that was provided. Children's officers were to be appointed to see these reforms realised and were to have no other responsibilities. We shall come to the question of how standards were to be raised later, but first it is important to appreciate the scale of the integration that was put in train because it was this that presented the children's officers with their initial practical and political challenges.

Before 1948 the public care of children deprived of a 'normal' home life was divided locally between the public assistance committees, education and public health departments. The first of these were responsible for administering the Poor Law, one part of which concerned the 'relief' of children through their admission to care on a voluntary basis, although it was possible later, in certain circumstances, for the local authority to assume the rights and duties of parents. The reasons for such children's initial admission included parental incapacity, desertion, orphanhood and such like. In 1946 there were 33,000 of them in care in England and Wales, of whom just 15 per cent were boarded out (Curtis, 1946, p 12). In Scotland there were 7,000, 76 per cent in foster homes (Clyde, 1946, p 7).

Local education departments became

involved when it was considered necessary for a court to make a 'fit person order' removing a child from home in order to ensure their adequate care or protection. The 'fit person', almost always the local authority, then assumed the powers and duties of the parents until the child was 18 or until the order was discharged. However, the 1933 Children and Young Persons Act specified that a local authority should discharge these responsibilities through its education committee; they could not be exercised by a public assistance committee.<sup>1</sup> It was because of this that, before 1948, there were staff in education departments engaged in the supervision of committed children, whether they were placed in foster homes or in residential care. In England and Wales in 1945 about 10,000 children were subject to these fit person orders, 60 per cent of whom were boarded out (Curtis, 1946, p 18). In Scotland there were 1,500, 72 per cent with foster parents (Clyde, 1946, p 40).

The third arm of local government that was concerned with children's services prior to 1948 was public health. These departments were responsible for supervising (usually through their health visitors) those children who were subject to the child life protection provisions of various public health acts. Children under nine years of age who were not in care but who were 'taken for reward' in private foster homes, in nurseries run for profit, in a few unregistered voluntary homes or who were placed privately for adoption had to be visited and their well-being checked. In 1944, 14,200 children fell into these categories.<sup>2</sup> However, the 1948 Act raised the age below which such children had to be visited to 15, and

18 if they remained in education. This immediately boosted the number to 34,800, an increase of 41 per cent; but this now included 25,000 children who were in independent boarding schools (Home Office, 1951, p 36). However, in 1954 the Chancery Court ruled that these 'boarders' were not 'living apart' from their parents and therefore were not subject to the child life protection legislation.<sup>3</sup> Children's officers must have breathed a sigh of relief.

Thus, the new children's officers became responsible for a disparate body of children transferred from three different departments operating different systems, keeping different records and with different policies.<sup>4</sup> Furthermore, as the Curtis Committee pointed out, there had been a history of tension between them and inadequate co-ordination (Curtis, 1946, p 36). There had also been a history of acrimonious relations between the three central government departments involved; namely, the Ministry of Health, the Ministry of Education and the Home Office. In the negotiations prior to the 1948 Act each had contended for the overall control of children's services, a contest eventually won by the Home Office<sup>5</sup> (see Parker, 1983).

### **The lucky dip**

The report of the Curtis Committee had placed considerable importance on the need for each county and county borough council to appoint a separate children's committee but also for there to be a children's officer answerable to it. Indeed, Curtis maintained that in the new organisation that was recommended these chief officers would be 'its pivot'

<sup>1</sup> This is made clear in section 96(1) of the Children and Young Persons Act, 1933.

<sup>2</sup> In Scotland, however, it was the poor law authorities that were responsible for supervising children subject to the Child Life Protection legislation.

<sup>3</sup> See *Wallbridge and Another v Dorset County Council* 2 W.L.R. 1068 (1954). However, the law was not actually changed until the Children Act of 1958.

<sup>4</sup> The new children's committees did not become responsible for approved schools or remand homes. These remained controlled by their management committees and by the Home Office centrally.

<sup>5</sup> The Home Office was especially keen to retain and acquire responsibility for children's services because these were regarded as important for softening the public image of its otherwise predominant responsibilities for matters associated with law and order.

(Curtis, 1946, p 146). Yet it went further, offering a rather detailed specification of the qualities that were required in such officers who, it expected, were likely to be women. They would need to have 'marked administrative capacity', be able to work well with their committees, have a good grasp of local government procedures and have 'enough faith and enthusiasm to try methods old and new' (Curtis, 1946, p 148). Ideally, these paragons would also be graduates with a social science diploma and have had experience of work with children. It needs to be borne in mind, however, that the parallel committee of inquiry in Scotland, led by Lord Clyde, although largely mirroring the recommendations of Curtis, made no suggestions whatsoever about the qualities that were to be sought in the new children's officers;<sup>6</sup> nor did the subsequent Act or the accompanying circular (Home Office Circular No. 160/1948).

Although the Curtis requirements may have been desirable it was always going to be difficult to find enough candidates who fulfilled them. Indeed, in its 1951 report of the work of its children's department the Home Office acknowledged that it was 'unrealistic to suggest that all children's officers appointed possessed . . . the high qualities specified by the [Curtis] . . . Committee' (Home Office, 1951, p 22). In the first place there were 129 children's authorities in England, 17 in Wales and 55 in Scotland and although two or more could jointly appoint a children's officer, few did. Where were so many competent officials to be found over a matter of months? A few authorities (such as Essex) had made their appointments earlier, foreseeing the competition that was likely to

arise. Many moved quickly after the 'appointed day' but others did not, sometimes from indecision, sometimes from a lack of suitable candidates, sometimes because of unresolved issues within the authority and sometimes because of differences with the Home Office, whose Secretary of State had to be consulted about all proposed appointments and who was able to veto those not considered to be suitable.

Some years later, the Home Office characterised these initial appointments as 'a lucky dip' that had influenced the success or otherwise of the new services (*Report of the Royal Commission on Local Government in England, 1966-69*, 1969, p 237). So who, in the event, was appointed? Although the information is limited we do have two sources upon which to call. In 1963 Clare Winnicott compiled details of the first 146 appointees in England and Wales. These showed that overall there were 93 women (64%) and 53 (36%) men. Later, Kenneth Brill assembled somewhat fuller details about 119 of those appointed.<sup>7</sup> He found almost the same division between women and men but was able to add that in the counties 79 per cent of those appointed were women whereas in the boroughs it was 63 per cent (Brill, 1991, p 47).

Both our sources provided information about the children's officers' previous occupations. Winnicott showed that in the 83 county boroughs 67 per cent of those appointed came from education departments and the rest from broadly defined 'social work'. By contrast, in the counties she classed 71 per cent as previously employed in social work and with almost all the rest coming from education. Brill did not give these

<sup>6</sup> John Murphy (1992) argues in his *British Social Services: The Scottish dimension* that the absence of any mention of the qualities needed in a children's officer in the Clyde report was a major weakness that 'was to prove adverse to the establishment of adequate children's departments' in Scotland in the early years (p 31). But this seems too simple an explanation: other factors were at work as well, not least the stronger opposition to the idea of separate children's departments in Scotland than in England and Wales.

<sup>7</sup> Unfortunately Brill gave no information about the source of this material but he had been Children's Officer in Croydon and in Devon and the long-serving secretary of the Association of Children's Officers.

details separately for the boroughs and the counties. Overall, however, he classified 41 per cent as having been 'social workers' and 37 per cent as having been drawn from 'education'. He allocated the rest to miscellaneous backgrounds, although hardly any had anything to do with health; for instance, only one assistant medical officer of health was appointed and one health visitor (Brill, 1991, pp 45–6). This may seem surprising but, as Brill points out, the salaries being offered to the children's officers were low compared with those being paid in the health field or, indeed, elsewhere in local government (p 55).

As we have seen, those who had been employed in education would have been mainly concerned with the placement and supervision of children committed to their departments on fit person orders. Some would have been involved in issues of school attendance and some with special education. Only two had been teachers. The 'social workers' were a much more mixed bag, but almost all came from the voluntary sector. Few were professionally qualified (Brill, 1991, p 58) and few had any experience of working in local government. Whereas Curtis had recommended that most of those appointed should be graduates, in the event only 37 per cent were and fewer still combined this with a social science diploma (Brill, 1991, p 48). Of course, many university careers had been forestalled or cut short by the war, with the result that there were far fewer graduates than might have been expected. On the other hand, many who were appointed had been in the armed forces during the war or workers in UN relief and rehabilitation organisations, people accustomed to bearing a measure of responsibility, often at a young age. In addition, some of the women who became children's officers had been concerned with the wartime fostering of evacuees.

### **Women in higher places**

One claim made about the consequences of the 1948 reforms in children's services has been that they opened the

way for able women to occupy senior posts in local government. Certainly, some of them proved to be exceptional and it has tended to be their names that are remembered and for whom obituaries have been written: women like Joan Cooper in East Sussex who rose to be the Chief Inspector at the Home Office and then Director of the Social Work Service at the Department of Health (see Wedge, 2003; Jackson, 2008). However, it should not be overlooked that some very able men were appointed as well and that even in the early years after 1948 a good deal of reshuffling took place. In Middlesex, for example, the children's officer (Mr Ainscow) moved almost at once to the London County Council as its chief officer, creating an interregnum before another appointment was made (National Archives, PRO, MH 102/1644).

Nonetheless, the introduction of women into chief officer posts in local government was new and significant. For example, in the 1938 edition of the *Municipal Yearbook* no women were listed as occupying the posts of county or town clerk, medical officer of health, director of education, housing manager or chief welfare officer anywhere in Great Britain. The only female chief officers were five librarians, three museum curators and a registrar of births and deaths. However, there was a sprinkling of deputies, particularly in health and education. Of course, it was up to each authority to decide whether certain posts were accorded the title of 'chief officer', but it is reasonable to conclude that before the war there were no women in the top positions of local government. However, in one fell swoop the Children Act brought in around 125 (throughout Great Britain) and, it should be noted, there were now more women in the inspectorate of the children's department of the Home Office. For example, whereas in 1946 nine of these 17 inspectors were women by 1954 there were 31, but out of a total of 74. Even so, they now occupied more senior posts: one (Miss Rosling, who had been joint secretary of the Curtis Committee)

was an assistant secretary, one the chief inspector (Miss Scorer), one the senior medical inspector, another the supervising inspector together with seven Grade 1 inspectors, one of whom was Lucy Faithfull. Previously no women had occupied the rather fewer senior positions in what was then called the Home Office Children's Branch (*British Imperial Calendar and Civil List*, 1946 and 1954). Inspectors in that branch had been concerned chiefly with approved schools, remand homes and hundreds of voluntary children's homes.<sup>8</sup>

It is interesting to bring the story forward. In 1970, the last year of separate children's departments, the proportion of children's officers who were women had fallen to 46 per cent (England and Wales) from its level of 66 per cent at the beginning (Brill, 1991, p 47). However, by 2011 52 per cent of the directors of children's services were women and this virtual parity now exists irrespective of the type of authority (Association of Directors of Children's Services, 2011).

### Getting established

By 1949 it might have been expected that that year's *Municipal Yearbook* would see children's officers numbered among the chief officers; but they appear in only 38 of the authorities' entries, none of which was Scottish. The significance of so many omissions should not be overlooked, for they offer a glimpse of the difficulty that many of the new children's officers had in establishing themselves in the top tier of their local authorities and in having the services for children for which they were responsible given the priority that was required.

What, then, were the principal difficulties that challenged those who were to lead the newly created children's services? Inevitably, as we have seen on many occasions since, administrative reform is not trouble free. It causes upheavals. Establishing a new service is

a demanding task at the best of times, but for the new children's officers there were problems over and above those generally associated with rearranging who does what, changing priorities and introducing new policies.

In the first place there were the consequences of the war. There were the disruptions to family life, the effects of which were still being felt in 1948. Services had been run down. Shortages abounded. Austerity was the order of the day. In these conditions competition for almost all resources was intense. If they were to win a sufficient share to enable standards to be raised, children's officers needed both determination and political skill. Some rose to the occasion, others struggled. Nevertheless, the challenges were by no means the same everywhere. The standard of the children's services that were inherited varied considerably, as did information about them. Furthermore, the contexts within which problems had to be confronted were different from place to place. There were, for example, eight authorities in England and Wales with populations of over a million (all of which appointed men), while at the other extreme 37 had populations of less than 50,000; and even in between there was a wide variation. Similarly, 12 authorities had more than 1,000 children in care at the time (accounting for 41% of the total) but 23 had fewer than 100 (National Archives, PRO, HO 414/1). In Scotland, only Glasgow had more than 1,000 children in care while 18 authorities had fewer than 50, doubtless the reason why many of them felt that a separate appointment was unnecessary (Scottish Home Department, 1958). What was demanded of a children's officer in a large authority was not the same as what was asked of them in a small one, or in a sprawling county rather than a compact urban area; and these differences were often accompanied by different political cultures.

Nonetheless, in whatever kind of

<sup>8</sup> Until the Children and Young Persons Act 1933 (section 94) there was no full record of the number of these institutions. Some had been inspected by the Ministry of Health or Board of Education, but most (estimated to be more than 1,000) were under no form of inspection (Home Office, 1938, pp 103–9).

authority, children's services could only prosper once their standing had been established. Several factors made this more difficult for the first children's officers. One, as we have seen, was that the majority of them were women who found themselves in organisations that were unaccustomed to having women in senior positions: as Dorothy Watkins (children's officer in Cornwall) rather forcefully put it 'the prospect of a woman chief officer appalled most local authorities' (Watkins, 1993, p 126). Moreover, many of these women were young (Barbara Kahan in Dudley and Frances Drake in Northamptonshire were both 28 when appointed (Holman, 1998, pp 33 and 53)) and, as we have seen, many had no experience of working in local government. Moreover, their 'departments' were small by comparison with other arms of local government; they commanded few resources and were paid relatively low salaries (and lower still than their male counterparts). It was not surprising, therefore, that they found themselves occupying the lower ranks of the council hierarchy.

However, these were not the only matters that made it difficult to gain an acceptance of the status of the children's services and of those associated with them. Although often referred to as children's departments, the 1948 Act did not make this a requirement. A separate department was not obligatory and in some areas, as in Kent for example, the children's officers found themselves located, at least for a time, in the clerk's department and regarded as one of its 'sections'. Then there were the ever-important symbols of status, particularly accommodation and whether or not the new posts warranted the use of a local authority car. In the early post-war years accommodation was at a premium and fitting in one more enterprise posed real problems. By and large, children's officers had to make do with what they were handed and then fight for something better. Even so, there were some outlandish examples. Brill (1993, p 59) recounts that in one case the new appointee was given a chair and a table

in the macebearer's office and Watkins (1993, p 129) recalls how her first accommodation was a hut in the County Hall car park.

One important difference between the authorities in which the new officers found themselves was the composition and leadership of the new children's committees. Some included members who understood and were sympathetic to what had to be done in order to improve children's services and who were in a position to influence the authority as a whole. Other committees were less supportive, while some children's officers, unfamiliar with working to an elected committee, failed to use them to best advantage. Furthermore, there were committees that contained disgruntled members because they disliked the reforms. For example, Brill (1993, p 54) makes the point that 'on the whole the councillors and officers connected with education thought that the child care service could well be done by the education service'. In some cases a local authority's wish to make the director of education or the chief welfare officer responsible for the new children's services (alongside their other responsibilities) had been blocked by the Home Office, creating a simmering discontent that could dog the efforts of the 'imposed' children's officer who would not necessarily have known of this history before they were appointed (Wedge, 2011). Hence, as in all administrative reform, there were elements of dissatisfaction, if not outright opposition, with which children's officers had to contend, albeit that they were not as prevalent everywhere.

As well as all of this there was the question of the staff who were made available. In some places there were none. In others some officers who had been involved in boarding out were moved across from education or public assistance departments and where this happened it could be a matter of rather delicate negotiation, both during the transfer and after. In Berkshire the Home Office inspector reported that the children's officer (Miss Summerhayes) could

not 'deal with' three such women who were accustomed to working independently of any authority and whose records they kept close to themselves (National Archives, PRO, MH 102/1642). Likewise, children's officers inherited staff in residential homes, many of whom were fearful of what the changes might portend. Some were unsatisfactory but difficult to dismiss because of their long service, because of the support of elected members or because the children's officer could not face the ensuing confrontation. And, in any case, it was difficult to find good enough replacements.

However, it was not only these staffing problems that had to be faced but also, in many places, a dearth of secretarial help. Some children's officers began with none. Yet the establishment of the new organisation called for much assistance of this kind. As we have seen, cases were inherited from other departments, together with all the paper work that went with them, some of which, the inspectors reported, was not up to date, was missing or was in a chaotic state. All this had to be sorted out. Without adequate help children's officers could find themselves having to do things that were certainly not what might have been expected. Many worked long hours in order to find out what had to be done and then coped with it. Furthermore, it needs to be remembered that much was, or had to be, handwritten and that typing (together with making corrections and carbon copies) was often a laborious and time-consuming business.

Given the circumstances surrounding the newness and standing of the children's officers in the early years, as well as the fact that many had no experience of working in local government, it is not difficult to imagine that they were liable to feel rather isolated, if not at sea. They needed both support and advice. There were several possible sources but five were most common.

In 1949 the Association of Children's Officers (ACO) was formed in order to provide a network within which members could find mutual support, reassurance and information. From the start, a

bulletin (of which Kenneth Brill was editor for many years) was distributed ten times a year. Conferences and meetings were held, both nationally and regionally; a sub-committee was established to give advice on legal matters; working groups were set up, and evidence submitted to various inquiries. Indeed, the Association came to exercise considerably more political influence than might have been expected, often with the aid of the Home Office inspectorate.

Some children's officers obtained help and advice from the Home Office inspectorate directly; but this could not be available on a day-to-day basis, and much depended on the relationship that was established between particular individuals. In some cases this was warm and collaborative; in others it was decidedly frosty (National Archives, PRO, MH 102/1644). In the larger authorities children's officers may also have been able to call upon experienced staff who had been transferred from other departments for advice. However, this again depended upon the kinds of relationships that emerged and, of course, these could go either way.

This was equally true of the potential allies who might have been available elsewhere in the authority, particularly directors of education, medical officers of health, chief welfare officers, chief constables, clerks or treasurers. However, they could be indifferent or frankly obstructive if they were unsympathetic to the new arrangements. For example, in Bob Holman's interview with Rosalie Treece (formerly Spence), who became children's officer in Nottinghamshire in 1948, she explained that 'the medical officer of health, the director of education and the public assistance people didn't want to give up any of their responsibilities, particularly to a woman chief officer', adding that she 'was 34, very young' (Holman, 1998, p 88). But there were certainly exceptions. In her first report, published in 1950, Elizabeth Harvie, the children's officer in Kent, expressed her 'sincere thanks' for the 'generous co-operation' that she had



received from the former public assistance officer, from the county education officer and from the medical officer of health (Kent County Council, 1950, p 7). It might be noted that the first of these was John Moss who had been a member of the Curtis committee and a willing signatory. Likewise, several children's officers paid tribute to the support that they had received from the clerks of their authorities, sometimes because they had been placed in those departments as one of their 'sections' and, in a sense, sheltered within a powerful department of local government.

Children's officers certainly depended upon their committees for the support without which little progress could be made. Although the pattern was undoubtedly uneven, the available evidence suggests that committees were generally sympathetic to what needed to be done. In Glamorgan, for example, Beti Jones recounted that as children's officer she 'could not have had a better authority' and this she attributed to her committee members having 'a warm instinct towards children and a passion to see that their potential was fulfilled' (Holman, 1998, p 49). However, much turned on who was selected to serve on these committees. For example, in his study of the Manchester children's department Bob Holman found that Ian Brown, the children's officer, considered himself fortunate in that the woman who first chaired his committee was a strong personality, with enough allies, to 'put the children's department on the map . . .'. (1996, p 53). But Brown was doubly fortunate in that he also had the support of Philip Dingle, the town clerk, who became one of the first members of the central Advisory Council on Child Care. He probably also had the advantage of having worked for Manchester as an assistant education officer and of being, at 45, one of the older children's officers appointed after 1948. The Manchester case exemplifies the fact

that although single sources of support, such as the committees, were important, even more important was the existence of several such sources and, of course, the ability to nurture them and draw upon them with skill and discrimination.

Even so, it was, first and foremost, the committees (and sub-committees) with which the new officers had to establish a working relationship. Sometimes there were members who entertained old poor law attitudes about the limits that should be placed on what was done for children in care, attitudes that could frustrate efforts to secure more humanising conditions in homes or greater flexibility for what foster parents could provide. There were also committees (particularly sub-committees) that were reluctant to allow children's officers sufficient discretion on day-to-day matters or which became over-involved in the running of particular homes. In time, however, these issues began to be ironed out as the membership of committees changed and as mutual confidence was established; but much still turned on how well children's officers played their hand.

As we saw, the Home Office later termed the choice of children's officers as something of a 'lucky dip', but this could equally well have been said of the authorities to which they were appointed. Only gradually did many of them discover how lucky or unlucky they had been, the most able building on their luck or working to overcome their lack of it. Some were able, some very able, but others were not and it is to these distinctions that we now turn.

### **Assessing performance**

With so many children's officers it is, of course, impossible to make an overall assessment of their ability, even more so after over 60 years. Nonetheless, Brill was able to examine 97 of the assessments of the officers' performance made by the Home Office at the time.<sup>9</sup> These were grouped into five categories. Ten

<sup>9</sup> Again, it is frustrating that Brill provided no information about where these records are to be found. My search in the Public Record Office was unable to locate them there. However, the Home Office did keep a 'personal file' on all children's officers, but where this is or whether it still exists I do not know.

per cent were classed as very good; 40 per cent as good; 26 per cent as satisfactory; 16 per cent as less than satisfactory, and seven per cent as poor (Brill, 1993, p 52). In the 12 largest authorities nine children's officers were reckoned to be less than satisfactory (p 118). There was no difference between the counties and the county boroughs or between those who held an academic qualification and those who did not (p 124). The one in four officers who were considered below average probably reflected the fact that in 1948 there were just not enough good applicants to go round. Furthermore, although the Home Office could veto some appointments that were considered unsuitable there was no comparable power for them to have a children's officer dismissed. For example, in Berkshire the Home Office inspector considered the children's officer 'weak', unable to get her department organised, 'dilatory in . . . instituting the necessary statutory records' and 'incapable of planning' and although comments like these continued to be recorded there was no replacement (National Archives, PRO, MH 102/1642).

Twenty years after the 'appointed day', the Home Office submitted evidence to the Royal Commission on Local Government in which it set out another assessment of 121 children's departments (not quite the same as the children's officers). Nine per cent were considered to be 'very good'; 25 per cent 'good'; 39 per cent 'acceptable'; 22 per cent 'below acceptable'; and eight per cent 'weak' (*Report of Royal Commission on Local Government in England, 1966-69, 1969*, p 238). Compared with the earlier figures this would suggest some deterioration, although the assessments may have become more rigorous and the challenges more demanding.

Along with their assessments of the children's officers in the early 50s the Home Office inspectors also gave their views about the children's committees. Twenty-three per cent were considered to be good or very good, 43 per cent satisfactory and 34 per cent less than

satisfactory, but only three per cent were regarded as 'weak' (Brill, 1993, p 101). Thus, rather more committees were ranked below the middle point than the children's officers. What we don't know is how the one related to the other, which would have been interesting – as would the answer to the same question today. For example, although we know that there was a preponderance of women councillors on children's committees we do not know how that affected, if at all, the manner in which these committees worked with their children's officers, whether men or women.

### **Improving the services**

This account of the appointment of the first children's officers and the establishment of a reformed children's service might have been expected to have begun with an overview of the problems that had to be tackled in these services, but that was not its main purpose. Nevertheless, the performance of these officers cannot be considered separately from the service problems that they faced. Let us look at four of the most significant.

If improvements were to be made the children's officers had to recruit more trained staff. Yet, as the Home Office pointed out in 1951, 'provision for training was . . . totally inadequate' (p 33). Indeed, prior to 1948 there was no national qualification in child care and, as a matter of urgency, the Central Training Council in Child Care was established in 1947 in order to promote training courses for boarding-out officers and residential care staff. By 1949 there were six rather prestigious courses for the former based in universities and, by 1950, 19 for the latter organised by local authorities; but the output was small. Two hundred and sixteen students had qualified as boarding-out officers by 1950, only four of whom were men (Home Office, 1951, para 134, p 34). By the same year, 355 students had successfully completed residential care courses, 55 of whom were men (p 35). It took many years, therefore, before there was anything like

an adequate supply. Even by 1964 (the first survey) only 27 per cent of the field staff of English and Welsh children's departments were recognised as qualified by the Home Office and a comparable figure for residential staff still awaited publication (Parker, 1990, p 33). Furthermore, it was the best-led departments which tended to attract the qualified staff so that their distribution became somewhat skewed.

A second major problem was how to shift care from residential establishments to foster homes. That, again, depended on what field staff could be recruited. However, the starting point was different in different authorities. Although the overall rate of boarding out in England and Wales, in 1949, was 35 per cent, among the different authorities it ranged from 68 per cent to nine per cent (Home Office, 1951, p 12). In Scotland rates were already high, averaging 61 per cent, and remained at that level throughout the 50s (Scottish Home Department, 1958). Nonetheless, high proportions did not necessarily mean that there were no problems. In Scotland, for example, many children were placed with families in remote areas of the Highlands and Islands and rarely visited. In England and Wales, in 1949, a quarter of the children in foster homes had been placed in another authority's area. Apart from everything else this could create problems of co-ordination, a shortcoming tragically exemplified by the death of Dennis O'Neill from Newport in his foster home in rural Shropshire in 1945 (Monckton, 1945). It could not be assumed, therefore, that inheriting a high rate of boarding out meant that all was well; and many foster homes meant many visits, making it that much more difficult to find new ones.

Caseloads were heavy. In an undated but early report to her committee, the Essex children's officer (Miss Wansbrough-Jones) explained that her ten visitors had to supervise the existing foster homes, find new ones, investigate all applications, visit the homes of children in care in order to see if they could return and also attend juvenile

courts. On top of these demands there were the children in notified private foster homes to be visited (National Archives, PRO, MH 102/1644).

As well as the development and improvement of foster care many children's officers were faced with a poor legacy of residential care. Even by 1953 there were some 15,000 children living in large local authority homes in England and Wales and another 6,000 who had been placed in voluntary homes. Perhaps of greatest concern were the residential nurseries, in which, in 1949, some 5,000 babies and infants were being looked after (National Archives, PRO, HO 414/1). Some of these were still located in former Poor Law institutions. Boarding out was arranged for some and a few were adopted, but the other solution was the creation of more separate residential nurseries. Between the appointed day in 1948 and February 1951, 49 new nurseries were provided but 74 still remained in the old institutions (Home Office, 1951, p 19).

Thus, many children's officers had to decide how best they could deal with deplorable institutional legacies and then win the resources to do what was needed. This was a challenge. As well as the staffing issue the upgrading of residential establishments had to compete for building materials and labour and win the co-operation of the local authority's hard-pressed architect's department while at the same time satisfying the Home Office's exacting requirements and those of fire officers.

These various problems in improving the services had to be grappled with at the same time as the number of children in care was rising rapidly. In England and Wales at the end of November 1949 the figure stood at 55,255, but by the same month in 1952 it had grown to 64,682. That was an increase of 17 per cent (Home Office, 1951, p 148; 1953, p 3). There is, of course, the interesting question of why this happened. Among the reasons offered have been the aftermath of war and evacuation, much homelessness and a greater willingness

on the part of other agencies to refer children to the new children's departments now that there was no longer an association with the Poor Law. Certainly, there were more and more referrals but not always the time to decide which of them did *not* warrant admission. Whatever the reasons these rising numbers undoubtedly exacerbated the many other problems that had to be faced.

### **Lessons?**

A frequent reaction to an historical exploration is to ask what lessons can be learned. Sometimes there are such lessons and sometimes there are not. Sometimes what a study tells us is glaringly obvious and sometimes remarkably surprising. In this account of the early days of the 1948 Children Act there is a mixture. Let me pick out a few conclusions that may still be worth bearing in mind today. Most are about the process of administrative reform.

As remarked earlier, such reforms create upheavals, the consequences of which are not always foreseen and therefore tend to create new problems. In the first place, the inauguration of substantial changes on an 'appointed day' and without much preparation takes time to 'settle', particularly when they are accompanied by major shifts in policy. One of the obvious reasons is that even when the changes are advocated on the grounds of economy there are always unforeseen costs. For example, foster care was to be advanced because it was considered better for the children but also because the unit costs were less than residential care. There was, it seemed, the marvellous coincidence that what was best was also the cheapest. Yet in order to develop foster care children's officers needed the necessary staff as well as a range of other resources that increased expenditures, which were not reflected in the conventional way of determining costs. Furthermore, as we have seen, reforms are liable to increase demand on services or, at least, to alter its pattern; and this is not always predictable.

Administrative systems generate sets of interests and when these systems are

changed there are both winners and losers. Certainly, many children in care were to benefit from the creation of the children's departments and, organisationally, the cause of professional women took a step forward. On the other hand, education and public health departments saw their influence being reduced. Likewise, in a number of areas children's officers had to contend with a measure of discontent among the heads of the homes that they had inherited, some of whom saw their status and autonomy threatened. Although children's committees were not responsible for the approved schools, they were responsible for any children in care who had been placed in them and some children's officers, such as Barbara Kahan, were particularly anxious to avoid this. For both reasons negotiations with the often-powerful heads of these institutions could be difficult. And then there were the voluntary children's organisations, which foresaw that much of their work would come to be taken over by the local authorities and were understandably apprehensive. In 1949 there were still 11 per cent of the children in local authority care who were being looked after by these organisations (Home Office, 1951, p 148). On all these counts the new heads of children's departments had to deal with fears and disaffections, both within their authorities and beyond, disaffections that were likely to make essential collaboration that much more hazardous. Such problems are the common accompaniment of structural reform, but their extent and consequences are not always evident beforehand. Yet their impact will affect the subsequent course of events. It is sensible, therefore, to assess what they might be and to consider how their perverse effects might be offset, not least by negotiation before rather than after the event.

All this calls for considerable sagacity on the part of those charged with the implementation of significant reforms, and that was undoubtedly true in 1948: hence the importance of these early appointments. However, how was this to

be determined by appointing committees and in different local contexts? In any case, was it a single attribute? As Brill (1993) pointed out, the children's officers might be full of passion and determination but be sadly lacking in political skill. Yet the one without the others will rarely be enough. So, what is the nature of political skill? It varies, but rests upon the possession of vision combined with information and the associated foresight; that is to say, the ability to understand the terrain, to appreciate the character of the obstacles ahead and the pattern of potential alliances. Yet, even then, the manner in which this skill is exercised will vary. There is a good example in Judith Niechcial's biography of Lucy Faithfull in which she contrasts Lucy's 'style' as children's officer in Oxford city with that of her neighbour, Barbara Kahan, in the surrounding county. Barbara, she writes: 'made a conscious decision to be a "battleaxe" rather than a "nice girl" . . . Lucy used quite other tactics. She was the "nice girl" personified, who used her charm, diplomacy and "people skills" to get her way' (Niechcial, 2010, pp 85–6).

Both seem to have been successful although working in somewhat different settings. The lesson might be that appointing committees have to know what will be needed and, for that, they too have to have good local information together with a vision of the future. Only then, and only with difficulty, will they be able to pick the right candidate. In 1948 it was understandable that some committees did not understand what was going to be wanted of their new chief officers and what might have to be faced in the years to come, most notably the

emergence of child abuse as a prominent issue and the quest for prevention.

Though inspiring, the prescription for the new children's officers that the Curtis Committee laid out was too general to be easily applied and some committees, as well as their appointees, held too closely to one of its main recommendations; namely, that the children's officer should have a personal relationship with the children for whom she (usually she) was responsible as well as with her staff. This could lead to unreasonable centralisation, to a reluctance to delegate and to a preoccupation with detail at the expense of the broader issues. Nevertheless, it is fitting to end on a note of approbation for what many children's officers and their staff achieved between 1948 and 1970. Partly by their individual and collective efforts and partly through the work of the ACO and of its companion group the Association of Child Care Officers (ACCO),<sup>10</sup> as well as other pressure groups and an emerging body of research,<sup>11</sup> services for children and their families were transformed, the extent of which is still not always appreciated. Much was achieved against the odds.

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<sup>10</sup> Like the ACO, the ACCO was also created in 1949. In one of the series of essays contained in its commemorative report of 1970, Clare Winnicott pointed out that in its inaugural year there were just 12 members but that by 1970 there were 2,589. Furthermore, she emphasised its importance in creating a sense of professional identity and professionalism in child care thereby, together with the ACOs, laying a bedrock for an emerging social work profession and its parallel body the British Association of Social Work (pp 74–5).

<sup>11</sup> Today those involved with the provision and development of children's services have a plethora of research and journals upon which to call. The first children's officers and those around them had hardly any. Indeed, it was not until the mid-1960s that these sources of information began to be available (see Parker, 2005).

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HOME OFFICE

Disturbances at the  
Carlton Approved School  
on 29th and 30th  
August, 1959

Report of Inquiry  
by  
Mr. Victor Durand, Q.C.

*Presented to Parliament by the Secretary of State for the Home Department  
by Command of Her Majesty  
January 1960*

LONDON  
HER MAJESTY'S STATIONERY OFFICE

*Reprinted 1966*

Cmnd. 937

FIVE SHILLINGS NET





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#### APPENDIX

List of witnesses and legal representatives.

## REPORT OF THE INQUIRY RELATING TO CARLTON APPROVED SCHOOL

To the Right Honourable R. A. BUTLER, C.H., M.P., Her Majesty's Principal  
Secretary of State for the Home Department

SIR,

### I—INTRODUCTION

I was appointed by you on the 14th September, 1959, to investigate and report on the state of discipline prevailing at the Carlton Approved School at the time of the disturbances which occurred on the 29th and 30th August, 1959, on the relations between the staff and the pupils of the school and on all such matters connected with the conduct of the school as might throw light on the circumstances which gave rise to the disturbances; and to make such recommendations as I might think desirable having regard to the results of the inquiry. Your warrant further appointed Mr. G. Revell, Deputy Chief Inspector in the Children's Department of the Home Office, to be an assessor and Mr. G. H. Roberts of the Home Office to be secretary of the inquiry.

1. I have completed my inquiry and have the honour to submit my report.

2. Before opening the inquiry in public, I visited Carlton School for the purpose of familiarising myself with the lay-out of the school premises and grounds; and I also visited three other approved schools for boys.

3. The inquiry was held by courtesy of the Bedford County Council at the Shire Hall, Bedford, and was opened by me on the 12th October. It continued, with an adjournment from the 17th October to the 2nd November to meet a request of the staff representatives, until the 13th November. The public inquiry thus took 14 days. A shorthand note was taken of the proceedings.

4. Full opportunity to give evidence before me was afforded to all parties who had a clear interest in the inquiry, including the managers, the headmaster and assistant staff of Carlton School, and each of the 96 boys who were on the register of the school in August, 1959. I possessed no power to compel the attendance of witnesses or to require evidence to be given on oath. I heard evidence from the persons listed in the Appendix, which shows also the legal representatives at the hearings. For reference purposes in connection with the inquiry, each of the 96 boys was given a separate number and the 42 of these boys who gave evidence are denoted by these numbers in the Appendix. A list\* of the names and reference numbers is forwarded with this report.

5. No member of the managers or staff of Carlton School was allowed to be present while a boy was being questioned. When 40 of the boys had completed their evidence the inquiry was adjourned (for the period mentioned in paragraph 3 above) so that the staff and their advisers could

\* Not published.

study transcripts of the shorthand record of the boys' allegations as they finally emerged at the inquiry. Of the other two boys, one (No. 50) was ill before the adjournment but recovered later and was duly called. His evidence was so short as not to justify an adjournment for consideration of it and no request was made by any party to adjourn. The other boy (No. 31) was brought specially to the inquiry at a later stage at the request of the staff advisers in order to support their contention that he had been bullied by other boys at the school to make up evidence adverse to the staff.

6. Instructed by the Treasury Solicitor, Mr. Geoffrey Lane of counsel, assisted by Mr. Anthony Ellison of counsel, appeared at the inquiry and called the boy witnesses and certain others in support of the information he laid before the inquiry touching upon the matter in my Warrant.

## II—THE APPROVED SCHOOLS SYSTEM

### General

7. The purpose of this part of the report is to give a brief factual account of the main features of the approved schools system, in so far as they seem to me to be relevant to the objects of the inquiry.

8. Under section 44 (1) of the Children and Young Persons Act, 1933, the courts are required to have regard to the welfare of a child or young person who is brought before them and, in a proper case, to take steps for removing him from undesirable surroundings and securing that proper provision is made for his education and training. Approved schools are boarding establishments approved by the Secretary of State for boys and girls who, whether they have been found guilty of offences punishable in the case of an adult with imprisonment, or because they are in need of care or protection, or are beyond parental control, or on certain other grounds, are judged by a court to need removal from home for a fairly long period of education and training. No person who has reached the age of seventeen may be committed to an approved school. In 1958 about 5 per cent. of the boys and 64 per cent. of the girls were committed to approved schools for reasons other than being found guilty of an offence.

9. There are at present 117 approved schools—82 for boys and 35 for girls—with a population of about 8,000. Twenty-five of the schools are managed by local authorities and 92 are under voluntary management. There are 24 senior boys' schools, including Carlton School, receiving boys who on admission are aged between their 15th and 17th birthdays. All approved schools are open institutions.

10. The training given at and the character of the schools vary widely. Accordingly, a number of classifying schools and one classifying centre have been established to which boys and girls may be sent on committal for a short period of observation and assessment with a view to allocating them to suitable training schools and providing the selected school with full reports on them.

11. The maintenance and conduct of approved schools are governed by a large number of statutory provisions which are contained in the Children and Young Persons Act, 1933 (and some other statutes), and in the Approved School Rules, 1933, as amended by the Approved School Rules, 1949 (hereinafter referred to as the "1933 Act" and "the Rules" respectively).

12. Within the framework of the statutory provisions the managers and staff are encouraged to develop the particular contribution of each school to the service, subject to over-riding national needs, to the advice of the Home Office and to the central control necessary where the liberty of the subject is involved. Virtually the whole cost of the service is met from public funds.

#### **Powers and duties of the Secretary of State**

13. The general responsibility of the Secretary of State is, as I am informed, to exercise the control necessary to secure that proper standards of accommodation, education, and training are maintained, that accommodation is related to current needs and that expenditure is kept within proper limits consistent with that maintenance of standards.

14. In the exercise of the Secretary of State's responsibility for the conduct of the approved schools, the inspection of the schools by inspectors of the Home Office Children's Department plays a main part. As far as possible, points arising from inspections are dealt with on the spot in discussion by inspectors with managers or headmasters and confirmed in writing where appropriate. Matters of administrative consequence requiring more formal consideration and action are the subject of official letters from the Home Office to the managers.

15. The Home Office keeps under review the population of the approved schools and the number of places available in relation to committals, and initiates action, where appropriate, to increase or decrease the amount of accommodation or to secure any provision of a particular kind where the need is established. In addition, the Secretary of State has in relation to the schools a number of specific functions which are mentioned, in so far as they appear to be relevant, in succeeding paragraphs. On matters of general policy, he is able to consult the Approved Schools Central Advisory Committee, which consists of representatives of the Association of Managers of Approved Schools, the Association of Headmasters, Headmistresses and Matrons of Approved Schools, and the National Association of Approved Schools' Staffs, and officers of the Children's Department of the Home Office.

#### **Managers**

16. There is no Home Office control over the appointment, removal or selection of managers of approved schools. Apart from the influence that can be brought to bear through official correspondence, visits by inspectors and the exercise of the Secretary of State's powers in regard to specific matters, the sanction for inefficient management is to be found in the Secretary of State's power to withdraw his certificate of approval of a school or to suspend admissions. The Rules require that the managers shall meet, so far as practicable, once a month at the school, and that a sufficient number of them to ensure adequate supervision shall be resident within a reasonable distance of the school. Rule 10 provides as follows:—

" 10.—(1) The Managers shall maintain an efficient standard throughout the school and for this purpose they shall take into consideration any report which may be communicated to them by or on behalf of the Secretary of State.

(2) It shall be the duty of the Managers to ensure that the condition of the school and the training, welfare and education of the boys under



their care are satisfactory, and for this purpose they shall pay frequent visits to the school.

(3) The school shall be visited at least once a month by at least one Manager who shall satisfy himself regarding the care of the boys and the state of the school, or some part of it, and shall enter his conclusions in the Log Book or other convenient record kept at the school.

(4) The Managers shall exercise an effective control over all expenditure."

17. All rights and powers exercisable in law by a parent are vested in the school managers as respects a boy or girl detained in an approved school (see also paragraph 38).

#### **Headmaster**

18. Under the Rules, the headmaster is responsible to the managers for the efficient conduct of the school and it is for him, with the approval of the managers, to determine the duties of the other members of the staff.

#### **Staff—general**

19. Under Rule 14, the managers are responsible for the appointment, suspension, or dismissal of the staff of the approved school, subject to the proviso that no appointment as headmaster shall be made without the prior approval of the Secretary of State. On financial grounds the approval of the Home Office is required for the numbers and grading of staff employed.

#### **Staff—pay and conditions of service**

20. (a) The pay and conditions of service of headmasters, deputy headmasters, teachers and instructors in approved schools are determined by the Joint Negotiating Committee for Approved Schools and Remand Homes in England and Wales. This is an ad hoc committee functioning on Whitley principles and composed of representatives of the approved school managers, heads and staff associations, the local authority associations, the National Union of Teachers and the National Association of Remand Home Superintendents and Matrons.

(b) The pay and conditions of service of matrons, assistant matrons, housemasters, housemistresses, housefathers, housemothers, and welfare officers in approved schools are determined by the Standing Joint Advisory Committee for Staffs of Children's Homes—a committee of the National Joint Council for Local Authorities Administrative, Professional, Technical, and Clerical Services, which has within its purview also various non-teaching grades of staff in other residential establishments for children. This committee includes, from the employers' side, representatives of the local authority associations and of the Association of Managers of Approved Schools and, from the staff side, those of the Association of Headmasters, Headmistresses and Matrons of Approved Schools, the National Association of Approved Schools' Staffs and the National Association of Remand Home Superintendents and Matrons.

(c) The Home Office is not represented on either of the aforesaid committees, but recognises for grant purposes pay awards recommended by the



committees. The pay and conditions of service of other grades (for example, farm and garden staff, domestics, clerks,) are dealt with by the Home Office, having regard to the awards of other national negotiating bodies such as the Ancillary Staffs Council, or to local custom, as appropriate.

21. Qualified teachers, and instructors recognised as fully qualified, who are employed in approved schools are paid according to the Burnham Scale of salaries for teachers in primary and secondary schools, together with an addition which, at the time of the inquiry, consisted of four additional increments carried beyond the maximum of that scale and which has since been fixed at £120 a year. Instructors who are recognised as substantially but not fully qualified are paid in accordance with a lower scale. Teachers and instructors are also eligible (in common with some other members of the staff other than housemasters) to receive an allowance for extraneous duty, that is, duty which they undertake in addition to their primary duty, particularly in regard to the care of boys during their leisure time and the organisation of leisure activities. This allowance was, at the time of the inquiry, £189 a year for an average of not less than 15 hours a week extraneous duty, a smaller allowance being paid proportionately for a lower average number of hours. The allowance has since been increased to £216 a year.

#### Housemasters

22. One of the main recommendations of the 1946 Reynolds Report (a report of a Committee on Remuneration and Conditions of Service in Approved Schools and Remand Homes) was that related to the appointment of housemasters with the primary duty of supervising and organising the leisure activities of boys in approved schools and of acquiring a personal knowledge of the boys based on intimate acquaintance with the boy's personality, history, and background. The general intention of the Reynolds Report was to introduce into approved schools the social-worker type of staff to supplement the traditional methods of training. It was recommended that such appointments should be limited to persons holding a recognised qualification. In practice it has been difficult to find persons with a qualification which could be recognised for the purpose. There has been, and still is, a general shortage of men qualified in social work and this has affected the field work of local authorities in child care as well as residential work in approved schools. As regards approved schools this difficulty has been met in part by the introduction of an arrangement under which managers are authorised to appoint, as housemasters, persons without recognised qualifications who have been accepted as suitable by a joint interview board consisting of representatives of the Home Office and of the approved schools. Most of the boys' schools have now appointed housemasters but there are a number of vacant posts. Nearly all the appointments have been made by means of the joint interview board. The present salary scale of a housemaster is £575-£845 a year with a bar at £725 depending on qualifications. The housemaster is not eligible to receive an "extraneous duty" allowance. It is accepted, I understand, both by the Home Office and the schools, that a housemaster cannot usually be expected to carry out the full range of his duties with a group of more than about 40 boys.

#### Staff—training

23. Refresher courses for various grades of approved school staff are arranged each year by the Central Training Council in Child Care and a substantial number of places at courses organised by the Ministry of Education in the teaching of educationally sub-normal and backward children has been allocated in recent years to approved school staff. Members of staff have also attended other suitable courses organised by the Ministry of Education and by local education authorities, university departments of education and other bodies. Arrangements have also been made for a number of instructors in approved schools to attend part-time courses in teaching technique, and for approved school staff to attend a course in outdoor activities run by the Central Council of Physical Recreation in Snowdonia.

#### Committals to approved schools

24. The number of boys committed to approved schools has risen considerably since 1956 as shown below:—

1956 ...	...	...	...	...	...	2,635
1957 ...	...	...	...	...	...	2,982
1958 ...	...	...	...	...	...	3,526

and new admissions of boys during the first six months of 1959 were 1,918.

25. It is the consensus of opinion in the classifying schools and the Children's Department inspectorate of the Home Office, that over the last two years a greater proportion of difficult, disturbed and intractable boys has been coming to the approved schools; and this opinion is supported by a marked increase in the same period in the number of boys transferred from one school to another (usually because of behaviour problems) or sent for other forms of treatment (such as Borstal training) for offences committed while subject to an approved school order. It appears also that, in recent years, there have been in the approved schools fewer boys of the type from whom in the past it has been possible to select reliable house captains, prefects and leaders—boys who could serve as a counterpoise to the hard core of anti-social boys and who could set an example to the many boys of weak character who perennially arrive at the schools.

#### Period of detention

26. The period for which a boy may legally be detained in an approved school is known as the period of detention: it is not fixed by the court but is governed by statute. For present purposes, it suffices to mention that, in the case of a boy aged 15 or 16 on committal, the period lasts for three years from the date of committal or until he reaches the age of 19 whichever is the shorter period. It is however usual for a boy to be released on licence before the expiry of his period of detention (see paragraph 27). Throughout a boy's detention in a school, contact with his home is encouraged e.g. he is encouraged to write to his parents; he is allowed to receive letters (not containing objectionable matter) from his parents, relatives and friends and, at such reasonable intervals as the managers may determine, visits from them; and, as soon as possible after a boy's arrival in a school, it is the practice to appoint a local after-care agent (paragraph 37) who is encouraged to keep in contact with the boy's home.

### Licensing

27. One of the important duties of the managers of an approved school is to release each boy on licence as soon as he is fit for it. The duty is imposed by Rule 40 in the following terms:—

"40—(1) It shall be the duty of the Managers to place out on licence each boy as soon as he has made sufficient progress in his training; and with this object in view they shall review the progress made by each boy and all the circumstances of the case (including home surroundings) towards the end of his first year in the school and thereafter as often as may be necessary and at least quarterly.

(2) At each review the Managers shall consider the date at which the boy is likely to be fit to be placed out on licence and for this purpose they shall receive and consider a report from the Headmaster made after consultation with the staff.

(3) Where there is reason to believe that a boy can be placed out on licence during the first twelve months of his detention, the case shall be reported by the Managers to the Secretary of State with a view to his consent being obtained.

(4) The Managers shall maintain a Licensing Register in a form prescribed by the Chief Inspector, showing the date and result of their review of each case and the reasons for their decision."

28. The inspectors review the arrangements made by the managers for the discharge of their duties relating to licensing and examine entries in the Licensing Register; and, where justified, take up individual cases with the managers. The Secretary of State has power to direct the licensing of an individual boy or girl in suitable cases; and his consent is necessary before release on licence can take place in the first twelve months of detention. Subject to these provisions and to review by the inspectors, it is the intention that licensing should be left in each case to the discretion of the managers.

### Discipline, rewards and privileges, and punishment

29. Rule 33 provides that "the discipline of an approved school shall be maintained by the personal influence of the Headmaster and staff and shall be promoted by a system of rewards and privileges, which shall be subject to the approval of the Chief Inspector" (of the Children's Department of the Home Office). Punishment usually takes the form of forfeiture of rewards or privileges (including pocket money) or temporary loss of recreation; where necessary, however, and subject to safeguards laid down in the Rules, it may involve separation from other pupils or corporal punishment. Alteration of diet is mentioned in the Rules as a possible punishment but is seldom, if ever, resorted to. Rule 35 requires that, in boys' schools, corporal punishment shall be inflicted only with a cane or tawse of a type approved by the Secretary of State and that no such punishment shall be inflicted except by the headmaster (or during his absence by the officer appointed to exercise the duties of headmaster) or by an officer of the school in his presence and under his direction. Rule 38 provides as follows:—

"38. Except as provided by these Rules no member of the staff shall inflict any kind of corporal punishment. The term "corporal punishment" includes striking, cuffing, shaking, or any other form of physical

violence. Any person who commits a breach of this rule shall render himself liable to instant dismissal."

#### **Daily routine**

30. The Rules provide that the daily routine of an approved school and the practical training of the boys shall be in accordance with schemes approved from time to time by the Chief Inspector. Approval by the Chief Inspector is normally signified by the Regional Superintending Inspectors to whom authority for these purposes has been delegated.

#### **Religious instruction**

31. The Rules require that each day in a school shall be begun with simple worship; that so far as practicable arrangements shall be made for the attendance of the boys each Sunday at a place of public worship; and that religious instruction shall be given suited to the age and capacity of the boys.

#### **Health and dietary**

32. A medical officer must be appointed for each school by the managers. It is his duty to visit the school and examine the boys, as required by the Rules. The Rules also require that the boys shall be supplied with sufficient and varied food based on a dietary scale to be drawn up by the managers after consultation with the headmaster and medical officer and to be subject to the approval of the Chief Inspector.

#### **Clothing**

33. It is a requirement of the Rules that each boy shall be kept supplied with suitable clothing similar to that worn in ordinary life.

#### **Transfer of boys between schools**

34. The Secretary of State has power to transfer a boy from one training school to another, and this power is used when it is in the interest of the individual boy. At the present time it appears that the use of this power is hampered to some extent by the lack of a sufficient number of vacancies in many of the schools owing to the increase in committals (see paragraph 24).

#### **Persistent absconders**

35. Two small experiments in training persistent absconders from approved schools have been undertaken, but the problem of the persistent absconder remains difficult and a solution has yet to be found. School managers may with the consent of the Secretary of State bring an absconder before a court; and the court may then make a new approved school order or extend the period of detention under the original order by not more than six months or, if the boy has reached the age of 16, may make an order for Borstal training. The period of detention is automatically lengthened in all cases of absconding by the period during which the boy is unlawfully absent from the school.

#### **Serious misconduct**

36. If a boy commits serious misconduct in his school, the managers may with the consent of the Secretary of State charge him with this offence:

if the charge is found proved, the court's powers of dealing with him are the same as if he were found guilty of absconding (see paragraph 35 above).

#### **After-care**

37. When a boy is released on licence, he remains under the care of the managers during the periods of licence and of supervision. The period of licence lasts until the expiry of the period of detention (paragraph 26) and when on licence the boy may be required by the managers to return to the approved school, if necessary. The period of supervision lasts for three years after the expiry of the period of detention or until the boy reaches the age of 21, whichever is the shorter period; during that time the managers have power to recall the boy, while under the age of 19, but only for a limited stay. Statutory responsibility for the provision of after-care in both periods rests on the managers. Their responsibilities include the appointment of a suitable after-care agent for the boy; the supply of a leaving outfit and, if necessary, financial assistance; making arrangements for him to be visited, advised and befriended; helping him to find suitable employment; and placing him in a hostel or other suitable lodgings if his home is unsatisfactory.

38. When the boy is on licence or under supervision all rights and powers exercisable in law by a parent are vested in the school managers unless the boy is lawfully living with his parents or either of them.

#### **Premises**

39. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school may be made without the approval of the Secretary of State. Building projects usually consist of adaptation and improvements of or additions to existing premises and, in the case of voluntary schools, detailed plans, estimates and specifications are submitted by managers to the Home Office for examination; inspectors are commonly consulted by the managers early in the planning stage. Managers are required to submit at least three competitive tenders and, where approval is given for the plans, to accept the lowest unless there are exceptional reasons for not doing so. Capital expenditure is usually met by loan, repayment with interest being charged to the school account. Approval of building schemes has had to be related for some years to the restrictions imposed nationally on capital investment.

#### **Finance**

40. Approved schools are maintained at the expense of public funds, the cost being shared equally between the Exchequer on the one hand and, on the other, the local authorities responsible for contributing to the children's support. The father or mother of a boy or girl detained in an approved school is liable to contribute according to means towards the child's keep while under the age of 16.

41. Financial control is exercised by Home Office scrutiny and approval of the detailed preliminary estimate submitted by each school before the beginning of the financial year; by the requirement that prior approval should be sought for any expenditure proposed in excess of the annual estimate as approved; examination of the revised estimate sent in by each school half-way through the financial year; the annual fixing of the



approved school flat rate for the ensuing financial year (the flat rate being the weekly contribution to be paid by a local authority for the maintenance in an approved school of a child for which it is responsible); the issue annually by the Home Office of a list of "pro rata" allowances for guidance on the expenditure considered reasonable on a number of items such as food, clothing, household requisites, schoolroom materials, and pocket money; and the control of capital investment.

### III—THE CARLTON SCHOOL

#### Preliminary

42. In considering the management and conduct of Carlton School for the purpose of the inquiry I thought it proper to take as a starting point the date of the full inspection of the school by a team of six Home Office inspectors, namely December, 1956; and to look at the position then revealed and to examine the developments from that time until the disturbances were over in September, 1959: I do not however think it necessary to summarise all the evidence I received about the working of the school during that period and only matters of significance will be mentioned.

43. Following the full inspection in December, 1956, the Home Office invited the managers to meet inspectors to discuss specific matters arising from that inspection. In accordance with Home Office practice a copy of the inspection report was not made available outside the Home Office. The meeting between managers and inspectors took place on 10th October, 1957, and a note was sent in confirmation of the points of discussion to the managers on the 7th November, 1957. Action was taken by the managers to carry out most of the recommendations deemed necessary as a result of the full inspection, but, at the time of the disturbances in August, 1959, little or nothing had been done to implement the following suggestions made to the managers by the inspectors:—

- (a) that the managers should take a closer interest in the licensing of each boy (see paragraph 60 below)
- (b) that the headmaster should hold full staff meetings at regular intervals (see paragraph 62 below)
- (c) that the range of recreational activities for the boys should be extended (see paragraph 59 below)
- (d) that, in view of the isolated position of the school, a school van should be provided for transport purposes (see paragraph 63 below)
- (e) that the arrangements for the social training of the boys should be improved (see paragraph 57 below).

At the meeting with the managers in October, 1957, the inspectors also called attention to what they regarded as a need to improve the scheme of rewards and privileges; a revised scheme was subsequently submitted by the managers and has yet to be discussed between the inspectors and the school.

#### Brief history

44. Following a public meeting at Bedford in 1855 when it was resolved to establish a reformatory school in Bedfordshire, it was decided to lease

some land in Northey for the purpose and a deed of trust was drawn up. In March, 1856, six trustees were appointed and in June, 1856, they decided to purchase the land outright with voluntary contributions. A school house and buildings were erected in due course, the cost coming out of the same fund. The original accommodation was for thirty boys. They were employed on a small-holding under a labour master but, occasionally, they were hired out to neighbouring farmers. Evenings were spent in the school-room under a teacher. By 1883 accommodation was doubled and the farm had grown to its present size of about 150 acres; training also had extended to cover baking and laundry work. The premises were enlarged by building classrooms in 1880, by converting the old farm building into workshops and an assembly hall (1886) and by building a dormitory block in 1910. In 1933 the school became and it has since remained an approved school for senior boys under section 79 of the 1933 Act. There is accommodation for ninety-six boys. The school has continued under voluntary management to the present day.

#### **Situation**

45. The school is remotely situated in rural surroundings on the outskirts of the village of Carlton, about 10 miles north-west of Bedford. The nearest railway station is at Turvey about three miles away, but this is on a branch line and is not used by the school, Bedford Station being found generally more convenient. No public 'bus service runs past the school but there are infrequent services from Carlton Village and from Turvey.

#### **Management**

46. At the time of the disturbances in August, 1959, the school managers numbered eleven, of whom three were women. The Chairman is Captain S. H. Starey, M.C., D.L., J.P.; the Vice-Chairman is Colonel J. P. White, M.C., D.L., J.P.; and the School Correspondent, who is also a manager, is Colonel G. A. Battcock, C.B.E., T.D., D.L. It is the practice of the managers to hold meetings at the school at monthly intervals. The Vice-Chairman and Correspondent, who is also Treasurer, constitute a Finance Sub-committee. There are no other sub-committees. Rota visits to the school are paid in accordance with the Rules by one manager each month who, I understand, is expected to see any new boys admitted since the last manager visited the school. Informal visits are also made by various managers though no record is kept of them. In the course of these visits the managers in an informal way see some of the boys at their work.

#### **Staff**

47. At the material time, the staff consisted of the headmaster (Mr. L. W. Price), the deputy headmaster (Mr. W. Dickinson), two teachers (one of whom was third in charge), six instructors, the school clerk, one housemaster, a farm bailiff, an assistant farm bailiff, a matron, an assistant matron, a visiting medical officer, a shoe repairer (part-time), and seven domestic and other staff of whom three were part-time. There were vacancies on the establishment for a visiting chaplain (since July 1959), one housemaster (since mid-June 1958), a farm assistant (since January 1959), a cook (the former holder of this post left 3 days before the beginning of the disturbances in August 1959), and a seamstress (since February



1959). The absence of a second housemaster has been a serious handicap and the inability to appoint a farm assistant has to some extent reduced the amount of time available to the farm bailiff and the assistant farm bailiff for training the boys in the farming department.

48. The headmaster, the deputy headmaster, the two teachers and three of the instructors are recognised as fully qualified and their salaries are accordingly based on the Burnham scale plus £120 a year. The remaining three instructors are substantially qualified. The deputy headmaster, the two teachers, the six instructors and the school clerk receive the full extraneous duty allowance (see paragraph 21 above).

49. Throughout the period under review, the headmaster has not felt able to delegate to his deputy the full range of duties normally undertaken by deputies in senior boys' approved schools.

#### **Types of boys received**

50. The Carlton School in the past has been considered by inspectors to be suitable for the training of the more robust and vigorous boy; for the boy with special aptitude for engineering; and for the backward boy (i.e. the boy of low intelligence and educational attainment). It has not been considered appropriate for the boy in need of easy contact with his parents, for the seriously disturbed boy, or for the timid or very immature boy. It appears that in the course of 1958 it was found necessary to deviate from this pattern of suitability because of the acute demand for vacancies in senior boys' schools with the result that the proportion of disturbed and difficult boys allocated to this school has gone up. There is no evidence that Carlton School was given more than a fair share of this type of boy, whose rise in numbers in recent years has been common to most senior boys' schools, some of which are comparable with Carlton School in remoteness and age of premises. However, Carlton School lacked the advantage of call on the services of a visiting psychiatrist, although the headmaster made every effort to secure the provision of such specialist assistance.

51. Mr. Price and members of the staff stated that in the last two years or so there had been a manifest deterioration in the types of boy received in the school. The boys displayed a greater degree of hostility towards authority than was formerly the case with boys committed to approved schools. They seemed to have little desire or willingness to take part in active sports. Potential prefects and house captains became a rarity. The school had to contend with a hard core of anti-social boys (about 10 per cent. to 15 per cent. of the whole) who were always at the ready in defiance of authority if they thought there was a chance of escaping the consequences and who would ridicule boys who conformed to the discipline of the school and carried out instructions and wishes of the staff. Mr. Price and others referred to the tendency of some boys to use violence towards other boys and he stressed the near impossibility of discovering quickly who the culprits were. A number of boy witnesses supported this account of violent behaviour by certain boys in the school. In the course of the public inquiry the staff and their representatives repeatedly drew my attention to a case of grievous bodily harm in June, 1959, at Warwick Assizes when five boys from Carlton School were indicted in respect of injuries they jointly inflicted on another boy—a newcomer—on the school premises. The return of the

five boys to the school after they had pleaded guilty at the assizes was criticised by staff witnesses as a factor in subsequent unrest at Carlton School where the five boys then continued as pupils as before. That violence had been used was beyond doubt and to that extent it was right to mention the offence to the inquiry, but the explanation for the absence of punishment on the five boys returned to the school was not disclosed to the inquiry by Mr. Price (or any member of the staff if they knew it) who must have known what influenced the learned Judge on assize to allow the boys to return. The transcript of the assize trial of the five boys was ordered and on the last day of the inquiry was delivered to me. It became clear then for the first time that Mr. Price had said to the learned Judge on assize that he as headmaster would not recommend that the boys should be sent to a Borstal institution because he did not think that they had passed beyond approved school training; his view was that the five should be returned to his school and that they should then be separated by transfer to other schools. Acting on this, the learned Judge directed that the boys should be sent back to Carlton School. So far as I am aware, Mr. Price took no steps with a view to transfer of any of the five to other schools nor, according to the managers' counsel, did he acquaint the managers with the fact that the return was in the clear expectation of separation and removal.

52. Mr. Price emphasised that, so long as the boys were kept busy during the day and as actively engaged as possible in their spare time, the life of the school proceeded smoothly without any trouble. Indeed, he described the school as a happy one and members of the staff who appeared before me agreed with this description.

#### Certified number

53. The certified number of an approved school is the number fixed by the Secretary of State under the Rules as being the maximum number of boys who may reside in the school at any time. In July, 1949, the certified number for the Carlton School was reduced from 115 to 86. This reduction was made in accordance with a Home Office decision, covering all boys' schools, to apply an improved standard of dormitory accommodation. In the early part of 1958, the Home Office came to the conclusion that additional places would have to be made available to accommodate the increased number of senior boys being committed to approved schools. One of the measures decided upon—an action capable of providing more places quickly—was to raise the certified numbers at senior schools, in consultation with the managers, by temporary relaxation of the improved standard of dormitory accommodation. It was found that Carlton School would be able to take 96 boys and in July, 1958, with the agreement of the managers, the certified number was fixed as 96. This increase of 10 naturally placed some additional responsibility on the managers and staff (a result experienced in the other schools whose certified numbers were raised at about the same time), and indeed, before the Carlton School number was altered, there was some doubt whether the school would be able to deal adequately with the additional 10 boys. The view of the Home Office was that this increase was necessary because of the serious demand for

additional places for senior boys and the managers gave their full co-operation in implementing the decision. In connection with the increased number, the Home Office authorised the appointment of an additional house-master in order to improve the existing standard of supervision and social training and the building of a staff house for him. The staff house was provided, but, unfortunately, despite repeated efforts by the managers to fill the additional post, no suitable candidate presented himself.

#### **Premises**

54. The main items of accommodation include the dormitory block with four dormitories (two with 31 beds and two with 17 beds each); sick-bay and surgery; washroom, showers, changing room and lavatories; drying room; sewing room, kitchens and dining hall; clubroom for selected senior boys; recreation room, gymnasium and indoor swimming bath; engineering and woodworking shops with their own classrooms; farm buildings; schoolroom block with two classrooms in use (a third used as sports store); board room and offices; headmaster's domestic accommodation and thirteen staff houses; and there are playing fields.

55. The main buildings are old and their incompact layout is a handicap. On 7th November, 1958, the Home Office wrote to some selected schools with old buildings, including Carlton School, indicating that some reconditioning of the premises might be considered and inviting managers to submit proposals. In response, the managers of Carlton School put forward a proposal for the installation of a new heating system (which was authorised and is in hand) and a proposal for electrical re-wiring (the technical aspects of which were still under consideration in consultation with the Factory Department of the Ministry of Labour at the time of the inquiry).

#### **Organisation of vocational training and general education**

56. Like most senior approved schools for boys, Carlton School provides for training in various crafts, linked with general education. The main trades offered are brickwork, engineering, farming, gardening and woodwork, in all of which the boys are given theoretical as well as practical training. In addition there is a rather smaller catering group. Since November, 1958, new boys in whose case the classifying school has not been able to make a recommendation for a particular trade have spent a trial week in appropriate trade groups before a final allocation has been made. Boys in the trade groups attend the schoolroom for not less than one day each week, so that the number of boys to be taught by the two teachers at any one time would ordinarily be in the region of 20 in all. This division into small groups for teaching purposes is in keeping with the problem of backwardness in which Carlton School specialises and the width of the age range—both factors necessitating much individual tuition. It is worthy of note that the engineering training, which is given in an excellently constructed workshop, has been recognised for apprenticeship purposes since 1957. Recognition of the farm training department is being considered in consultation with the County Agricultural Apprenticeship Committee, whose representatives have visited the school. In passing, I should wish to record that the co-operation given by the various apprenticeship bodies to approved schools in this country is highly commendable.

### **Social training**

57. Although the school uses four house names for the purpose of games and competitions and the boys are in divisions under those houses, the house system is nominal only. Individual attention, where it can be given by the staff to boys from the point of view of their social training, is accordingly limited and is less than in schools where a genuine house system has been developed. Opportunities of contacts between the boys and the outside world are restricted by the isolation of the school and lack of school transport available on the premises (paragraph 63).

### **Religious training**

58. The school had been without a visiting chaplain from July, 1959, until quite recently when the Rector of Turvey agreed to undertake the duties as a temporary measure. The living at Carlton village church had been sequestered, according to the evidence of Colonel Battcock. (I understand that an incumbent has now been appointed.)

### **Recreational activities**

59. The summer programme of recreational activities was in force at the time of the disturbances, and included swimming, athletics, cricket, baseball, senior boys' club, indoor games and film shows. During the winter of 1958-59 these activities included the senior boys' club, indoor games, discussion groups, carpentry class and carpentry hobbies, brickwork class, engineering hobbies, garden club, bakery class, young farmers' club, choir, educational and entertainment film shows and football. The senior boys' club is conducted by the housemaster, has a separate club room, and is affiliated to the National Association of Boys' Clubs. Its membership is restricted to about twenty "special grade" boys. The choir is taken by the matron. The trade classes are taken by the appropriate instructors. There are good features in the evening activities, including especially the senior boys' club, hobbies classes and the choir, but, in the view of the inspectors concerned, the range of recreational activities in winter is narrower than at many other senior boys' schools. One drawback has been the insufficiency of common room space; it is satisfactory that, since the disturbances, arrangements have been made to convert the sports store into an additional club room.

### **Licensing**

60. The managers admitted in their evidence that, despite the statutory duties laid on them (see paragraph 27) they left the licensing of boys to the headmaster, a fact which was not known either to the Home Office or to the boys. The managers contended that, as they could not be in direct touch with any individual boy, they could not assess his progress from their own knowledge and could therefore only judge the given case from reports compiled by the headmaster and staff on the individual boy. The Licensing Register was placed before the managers at their meeting together with the reports relating to the boys concerned, but in every case the decision itself on the question of licence and the reasons for that decision had already been written in the register by the headmaster before the managers even met. It is clear that the managing body made no attempt to exercise any independent judgment at all in the matter of licensing a boy.



#### Length of stay

61. Mr. Price explained in his evidence that when he was appointed headmaster in 1952 the "success rate" of the boys released from the school was low. He therefore recommended to the managers that no boy should be licensed unless he had a strong chance of success. His policy was followed with the result that the average length of stay in the school rose from 18 months to 23 months. By the "success rate" is meant the percentage of boys who are not found guilty of offences within three years of being placed out from an approved school. The "success rate" for Carlton School, and for all senior boys' schools taken together, for the years (i.e. of release) 1948 to 1955 inclusive are

<i>Year of release</i>	<i>Carlton School</i>	<i>Average for all senior boys' schools</i>
1948 ... ..	77.4	67.9
1949 ... ..	63.3	66.4
1950 ... ..	56.5	65.4
1951 ... ..	52.3	66.9
1952 ... ..	65.9	66.4
1953 ... ..	65.2	65.7
1954 ... ..	76.9	64.4
1955 ... ..	70.9	61.5

The above table covers the boys' conduct up to the end of 1958.

#### Staff meetings

62. Mr. Price in evidence asserted that he had held full staff meetings very occasionally to consider specific subjects, but members of the staff who also gave evidence failed to recollect clearly such meetings. No record of staff meetings exists except of one staff meeting held at the beginning of 1959 to hear the account by Mr. Elwell (housemaster) of what he had learnt at a recent training course for senior staff in residential establishments. Mr. Price has not felt able to agree to the desirability, as recommended by inspectors, of holding staff meetings at regular intervals.

#### School transport

63. Hitherto the school has relied upon the hire of buses locally, as the occasion demanded, or upon the use of motor-cars belonging to members of the staff, for taking boys on such out-of-school activities as it has been found possible to arrange. Since the disturbances, however, the managers have applied to the Home Office for authority to purchase a school van and to employ a handyman driver for it.

#### IV—THE DISTURBANCES IN AUGUST 1959

64. The disturbances at the school occurred during the period from the evening of Friday 28th August until the evening of Sunday 30th August, 1959. During this time there were 95 boys in the school and one at his home on leave. At the outset of the disturbances, four members of the male staff were absent from the school on annual leave. They were Mr. Price (headmaster), Mr. Talbot (third in charge), Mr. Elwell (housemaster) and Mr. Lay-Flurrie (engineering instructor). Mr. Price had gone on leave

with his family on Saturday 22nd August, for a motor-caravan holiday in the north of Scotland. At that time, he was satisfied that everything was running smoothly at the school and he saw no indications of any trouble ahead. All of the 67 boys who had been on home leave from 6th to 14th August had returned to the school.

65. Before dealing with the disturbances, I should mention an incident which occurred on Monday, 24th August. At 8.30 p.m. that day, boy No. 43 was brought to the school surgery with a bad cut on the back of his head, which had to be stitched. The boy at first lied about the cause saying it was accidental, but subsequent inquiry revealed that he had been in a fight with three boys and had been hit by a heavily buckled belt belonging to one of the three. Next day Mr. Dickinson (deputy headmaster), then in charge of the school, ordered the confiscation and destruction of all those belts that he regarded as potentially dangerous weapons. The belts were destroyed by burning. Those destroyed were the personal property of the boys. On the two following days (Wednesday and Thursday), though routine at the school appeared outwardly normal, staff members on duty perceived an amount of restlessness beyond that to be expected with boys of this type.

#### Friday, 28th August

66. On Friday, 28th August the boys were noisy during the day. During the evening the staff available consisted of Mr. Dickinson, Mr. Carter (carpentry instructor), Mr. Bullen (second engineering instructor), Mr. Bancks (building instructor), and Mr. Bustin (gardening instructor). Mr. Carter and Mr. Bancks were the duty officers. Mr. Henderson (teacher) and Mr. Flute (bakery instructor) were out for the evening. At 8.15 p.m. all the boys (except the farm boys) were seated in the school gymnasium, waiting to be called into the adjacent dining hall to take their supper. They began stamping on the floor and jeering. On being summoned to supper, the boys refused to have it. In the meantime, the farm boys had arrived in the gymnasium; they too refused their supper and four of them went for a swim. The duty officers notified Mr. Dickinson who at once came to the gymnasium. He appealed to the boys for co-operation, whereupon 8 or 10 stood up and said they had complaints. Mr. Dickinson went round the gymnasium from boy to boy of the 8 or 10 and as he was doing so more boys—between 20-25 in all—stood up. When he had listened to about two-thirds of the standing boys, boy No. 14 started slow hand-clapping and stamping his foot. Others did the same. At about 9.30 p.m. the boys started to leave the gymnasium with a show of defiance and some abuse. A little later, on Mr. Dickinson's instructions, first Mr. Bustin got into touch by telephone with Captain Starey (Chairman) and then Mr. Bancks took a message to Mrs. Dickinson, asking her to summon the police. The boys overturned the supper trolley in the dining hall and broke some windows in the lavatories. At about 10.15 p.m. Captain Starey arrived at the school. He persuaded the boys to assemble in the gymnasium, there listened to them and promised to return next morning to breakfast with them and hear their complaints. He persuaded them to go to bed which the boys did in reasonable order and the dormitories were fastened. Very soon afterwards, police officers of the Bedfordshire Constabulary arrived in compliance with Mr. Dickinson's request for their help. Thereupon the

boys started shouting and swearing at the police from the dormitory windows. Captain Starey, who was quite unaware of what Mr. Dickinson had done about the police until they arrived, suggested to the police that they should withdraw, as he felt it possible then to calm the boys and to keep them under control. He went to assure the boys that the police had been asked to leave and the boys then rushed out into the school yard. After talking with Captain Starey the police inspector in charge took his men away out of sight of the premises. The boys then quietened down and went back to their dormitories.

#### Saturday, 29th August

67. At about 1.15 a.m. on Saturday, 20th August, Mr. Dickinson found several boys playing snooker in the senior boys' club room. He ordered them back to bed. He also saw a small group of boys coming from the direction of the dining hall; he ordered them to bed and they went to their dormitory. He then went into the kitchen and found that the food stores had been broken into. It is said by the staff that some boys were heard under hedges and around the staff houses at late as 3.5 a.m. Patrols by staff at 4 a.m. and 5 a.m. disclosed nothing unusual.

68. At 6 a.m. the farm-boys got up and went to the farm to carry out their habitual early morning duties. At 6.30 a.m. the other boys were called as was usual, but this day they refused to get up, though most of them were dressed and lying under their top blankets. Not long afterwards they came out of their dormitories and went to the farm to collect the farm boys. At about 7.15 a.m. they returned to the main premises singing and shouting and did some damage in the dormitories, kitchen, and workshops. At 8 a.m. Captain Starey came and he, with members of the staff, persuaded the boys to wash and have breakfast. He breakfasted with them. After the meal, there was some further disorder; windows in the carpenter's shop were broken and bedding in the dormitories was strewn over the floor. All but 8 of the boys then left the school and made their way towards the village. Most of them foregathered at "The Cottage", the home of Mr. and Mrs. Talcott Williams about 300 yards down the lane from the school.

69. Mr. Talcott Williams gave evidence at the inquiry. He is a citizen of the United States of America with experience as a Company Commander in the last war in handling men. His wife is the daughter of Mrs. Saunders, one of the school managers. Mr. Williams told me that his wife and he had lived near the school for five years and had always enjoyed a good relationship with the staff and the boys, as well as with those managers they knew. Some of the boys had worked in his garden from time to time and one boy in particular, No. 70, had been a frequent visitor. Mr. Williams first became aware of trouble at the school when two boys (Nos. 40 and 70) arrived at his home between 8 a.m. and 9 a.m. on Saturday 29th August and told him what had happened. They wished to use his telephone in order to call the Press but he declined to allow them to do so. It has however been established that at 9.20 a.m. someone telephoned from the house to one of the national newspapers in Fleet Street. In due course, other boys arrived until a large number of them were congregated on the lawn in Mr. Williams's garden. In the meantime he had, it appears, telephoned Mrs. Saunders and told her of the situation. At about 9.15 a.m.



two masters from the school (Mr. Henderson and Mr. Carter) arrived at "The Cottage" and asked Mr. Williams to tell the boys to return to the school. He took the view that the boys in the mood they were showing would take little notice of such a request and would be likely if they left his lawn to disperse and not rejoin the school. The two masters then left. With the object, as Mr. Williams put it, of containing the boys, and because the boys seemed to be full of complaints of one kind or another, he and Mrs. Williams supplied them with soft drinks and suggested that the boys should make a list of their grievances. After the boys showed that none could type, Mrs. Williams consented to type out what was to be recorded and boy No. 70 took the lead in ascertaining what the complaints were. While this was going on, Captain Starey arrived at "The Cottage" and when the typed list was finished it was handed to him.

70. The boys returned to the school at about 2.45 p.m. They went silently to their dormitories and put them in order. They then washed and had dinner. Afterwards Captain Starey addressed the boys in the gymnasium. He appealed to them to behave in an orderly way, assuring them that their complaints would be carefully looked into; at the same time he made it clear that if they did not respond to his appeal, he would take all necessary steps to protect life and property in the school. Captain Starey then asked that those who were prepared to accede to his appeal should stand up. Some boys began to stand up but sat down again. Then boy No. 33 stood up and the whole school immediately followed suit. For the rest of the day, the boys gave no trouble.

71. During the course of the day the school authorities kept the police informed by telephone of the main developments but asked them not to come to the school nor to approach boys at the house of Mr. and Mrs. Williams. The Bedfordshire Police clearly made arrangements to ensure that a sufficient number of their Force were in readiness to intervene promptly and effectively if the need arose.

72. Sometime in the morning Captain Starey telephoned Mr. Price in Scotland and after telling him what had happened, suggested that he should return at once. (Mr. Price then set off on his return journey by road and arrived back at the school by 8 p.m. on Monday, 31st August.)

73. Some representatives of the Press arrived at the school during the morning. These were, I am assured, co-operative and Captain Starey explained matters to them.

74. Major Farrer, one of the school managers, arranged for the 8 boys who had not left the school (paragraph 68) to be taken, for their own protection, to his farm, where they were lodged in an empty flat in his house. These boys were joined by two more the next day.

75. In addition to the managers named above, several others attended at the school during the day.

#### **Sunday, 30th August**

76. Nothing untoward occurred at the school throughout the morning of Sunday, 30th August. The boys got up without any trouble, had breakfast and went to church. They read the accounts printed in the Sunday papers of what reporters said had happened at the school on the day before. Dinner

began normally at 12.30 p.m. During the course of the dinner three Press representatives arrived at the school and were invited into the dining-hall by the deputy headmaster so that they could see the boys and what they were having. It appears that they talked with some of the boys. After dinner the boys assembled in the gymnasium, as was customary, for the distribution from the school stock of cigarettes and sweets, which boys at senior approved schools are allowed to buy. While this was taking place the boys' behaviour became noisy and the maintenance of orderliness became difficult for those in charge. At about this time, Mr. Hadley (Home Office Inspector) arrived at the school and went to the gymnasium. When the cigarette and sweet issue was complete, all but a few of the boys left the gymnasium in a body led by boy No. 33. They ran away to the bottom of the school lane (past the house of Mr. and Mrs. Williams). They returned soon afterwards and after smashing some school windows went to the school playing field. Some members of the staff in the course of this movement were hit by stones. At the school field Captain Starey, Major Farrer and Mr. Hadley all talked to the boys in turn. The boys were assured that their complaints would be investigated if order were restored, that they would be given time to think the matter over and that they should then give their answer through their spokesmen. Captain Starey, Major Farrer and Mr. Hadley then withdrew and three of the boys (Nos. 40, 70 and 86) came to talk to them outside one of the staff houses. Soon afterwards, a large group of boys moved over to the farm and some attempted to drive the farm tractors. One boy in trying to manoeuvre a tractor nearly ran over another boy. Captain Starey and Major Farrer persuaded the boys to return to the field, where discussion with boys Nos. 40, 70, and 86 was resumed. These three boys seemed to be ready to agree that the school should return to normality, provided that their grievances were examined as soon as possible. However, at this stage the boys in the field got to hear by some means (possibly through an old boy who found it convenient to visit the school at this time of upheaval and who seems to have been a trouble maker) that the police were standing by in School Lane; and it appears that boy No. 70, who was on the evidence playing a double game, misled the other boys into thinking that the managers intended to have ringleaders picked out for punishment. From that moment, the situation worsened rapidly. The boys made for the school buildings and hooliganism broke out. More windows were smashed; the food stores were raided and the clothing stores were broken open. Save for four boys (including No. 70 who was on the eve of his licensing by reason of age), all the boys absconded. This mass breakout took place between 6 p.m. and 6.30 p.m.

77. During the afternoon there were many Press representatives at the school. Some gave cigarettes to several of the boys. Some persuaded boys to pose for press photographs on top of and about the school buildings and on ladders against windows in attitudes of aggression armed with stones or bricks. Some of the presentations thus staged were published the next day in certain national newspapers put in at the inquiry by counsel for the staff.

78. The Police authorities, when they heard by telephone from Captain Starey at about 3.30 p.m. about what had been happening at the school, arranged for a contingent of police under two police inspectors to stand

by in School Lane. At Captain Starey's request the police did not go nearer the school on arrival than the vicinity of Mr. Williams's house. Captain Starey felt that if police entered the school grounds at that time the school authorities' efforts to settle the troubles would be thwarted. Mr. Talcott Williams allowed the police to use his telephone and in this way communication was maintained between the police and the school authorities.

79. After the mass absconding the police made the necessary arrangements for recovery of the boys. As they were picked up, the boys were brought back to the school and locked in their dormitories. During the course of the evening the Chief Superintendent and Chief Inspector for that area of the Bedfordshire Police arrived at Mr. Williams's house and reviewed the position with their officers and Captain Starey. Some time later when about thirty boys had been recovered further trouble occurred; some of these boys started creating a disturbance by breaking windows in the dormitories. In agreement with Captain Starey, the Chief Superintendent arranged for four boys who were regarded by the masters as being prominent in causing the current disturbance to be taken into police custody. These boys were Nos. 14, 36, 40, and 80. This action, which was taken at about 11 p.m., had a sobering effect immediately on the rest of the boys and that disturbance subsided. The search for absconders was continued throughout the night and, by next morning (Monday), all but 15 had been recaptured; the fifteen were all recovered by the following morning (Tuesday, 1st September).

#### **Subsequent measures taken to restore order**

80. During Sunday night, the staff arranged for watches to be kept in pairs from 11 p.m. to 7 a.m. Major Farrer slept in the school and assisted the staff. A force of police remained at the school continuously from Sunday night until noon on Tuesday, 1st September, when it was judged safe to withdraw them. Their presence ensured the maintenance of order and they controlled effectively access to the school by the press and the general public. With the co-operation of the school authorities concerned, the Home Office arranged for four masters from four other approved schools to reinforce the staff at Carlton School for several days. The Home Office also arranged for an additional number of inspectors to stay at the school for a time. The ten boys who had refrained from disturbing the school and who had been temporarily lodged with Major Farrer (paragraph 74) were transferred by the Home Office to other schools to avoid the risk of victimisation at Carlton School. The managers held a number of meetings on the Monday, Tuesday, and Wednesday and, guided by police experience, organised several press conferences. There was the closest co-operation between all concerned in the restoration of order—the managers, the staff, the inspectors and the police. The police throughout complied with the wishes of Captain Starey in relation to the affairs of the school.

81. Arising out of the disturbances, 17 boys appeared before a court. They were dealt with as follows:—

- (a) Eight were charged by the school managers, with the authority of the Secretary of State, with serious misconduct. One of them pleaded guilty, one was found not guilty and the remaining six were found guilty. As regards the guilty seven, the court ordered that, in

each case, the period of detention under the approved school order should be extended by three months, and strongly recommended that the boys should be transferred to other approved schools. These seven boys, and the one found not guilty of serious misconduct, were transferred by the Home Office to other schools.

- (b) Nine were charged by the police with offences such as taking and driving away a motor vehicle, stealing petrol or carrying an offensive weapon. All were found guilty. Eight of them were fined 2s. 6d. and/or conditionally discharged. The ninth was recommitted to an approved school under a new approved school order. All nine were transferred by the Home Office to other schools.

#### V.—ALLEGATIONS BY BOYS OF ILL-TREATMENT BY STAFF

82. Investigation, in order to comply with the terms of my Warrant, required that each boy on the register of Carlton School at the material time should be allowed unrestricted opportunity to attend the inquiry no matter where he had been later transferred from the school. All the boys were accordingly asked in writing whether they wished to give evidence and those who chose to do so were interviewed privately by a representative of the Treasury Solicitor, for the purpose of recording information on any point they desired to mention. Each boy was offered the services of solicitor and counsel free of cost and, in consequence, Mr. E. F. Jowitt of counsel, instructed by Messrs. C. C. Bell and Son, Bedford (agents for the Treasury Solicitor), appeared at the inquiry on behalf of 29 boys whose numbers in the Appendix are marked with a \*.

83. Of the 42 boys from the school who gave evidence before me, 33 made allegations of ill-treatment of boys by masters. This part of my report is founded on my view of the evidence as given from the witness-box at the inquiry; written statements of boys or other persons were not considered save where counsel used a boy's signed statement in course of cross-examination to demonstrate serious variation in the boy's story. Before the adjournment of the inquiry on 16th October, the Treasury Solicitor and the boys' own representatives supplied copies of the signed statements made by the 42 boys to counsel for the headmaster and staff. Full opportunity was given by me to any party at the inquiry for the recall of any witness for further questioning after the adjournment.

84. I am satisfied that the Treasury Solicitor's representatives, in preparing for the inquiry and in obtaining statements for that purpose, took every step reasonably possible to ensure that no boy was influenced by masters or other boys in making his personal allegations to the representatives who interviewed him. I am satisfied that the solicitors and agents for the 29 boys who were legally represented at the inquiry were also careful to protect their clients from outside pressures. Before the solicitors could take over the conduct of matters and exercise professional control over their clients and potential witnesses, and before transfer of certain boys (paragraph 81), there was ample opportunity for the boys to influence one another and by unconstrained talk to produce stories harmful to any



staff members whom any boys might dislike. I cannot rule out the probability that the opportunity was so used by some of the boys who appeared before me in support of allegations of ill-treatment by the staff. All the boys had heard on the Friday night (28th August) of Captain Starey's assurance that complaints would be investigated; the boys were together in their dormitories that night and on Saturday night; negotiations between managers and groups of boys lasted on and off until Sunday afternoon; and Press reporters and photographers, at a time the school was under strain, interfered with boys who were by law in the care of managers occupying the position of parents. There was the risk of collusion between the boys to substantiate one another's grievances, the risk of invention of examples of ill-treatment to excuse their own misbehaviour, and the risk in boys of this type of excitation in the mind by sensationalism induced by direct contact with the vigour of Press reporting. These risks created the problem of what standard of proof should be applied before accepting as a fact the boys' allegations against masters.

85. The question of degree of proof fell to be considered also in the light of the case history of a boy complainant, not merely on account of past offences (which factor alone should not brand the boy as necessarily untruthful), but also by reason of his mental growth which in some cases was well behind normal. The case papers of all the boys were examined for specialist comments on mental characteristics and the classifying schools' reasons for choosing Carlton School to train the individual boy were noted.

86. For the reasons contained in paragraphs 84 and 85, it was necessary to treat, with extreme caution, the boys' allegations against masters, and I have thought it right to decline to accept as established any allegation that was not, in my judgment, adequately corroborated. I have considered the allegations in the light of this standard of proof and my findings in respect of each member of staff concerned are as follows.

**Mr. L. W. Price (headmaster)**

87. At tea-time the day after the "Harvest Home" of 1958, a boy was seen by the headmaster, in the dining room, to make an insulting gesture involving face, tongue and hand. According to the allegation this was directed at another boy. The headmaster, however, considered it was intended for a member of the staff who was on duty. He approached the boy, pulled his chair away and, seizing the back of his coat as he began to slip down, pulled him to his feet. He then pulled him round by the shoulder and, while remonstrating with him, he waved in his face a packet of 200 cigarettes which he had in his hand when he entered the dining room. A member of staff, who also gave evidence about this incident, appeared at first to have had the impression that the headmaster's hand came into contact with the side of the boy's face in the action of a cuff, but on further questioning seemed not to be able to recall precisely that a blow was actually struck. In view of this doubt, I am inclined to accept the headmaster's account. Even so, I consider that the headmaster handled this boy in an unnecessarily aggressive manner, in a situation uncomplicated by the slightest trace of emergency.

88. Some time before the disturbances—it is not clear how long—the headmaster pushed a boy (who did not wish to give evidence) out of the

swimming bath. I accept the headmaster's explanation that this boy, who was in the bath helping to clean it, had declined until ordered a second time to leave the water and then refused, with a shrug of the shoulders, to go and get dressed, after being asked twice to do so. In order to restore authority in front of some six or seven boys who were present, the headmaster had, as he said, "bundled him out" with a good deal of noise and fuss. Here, too, I feel there was a show of force hardly necessitated by the facts of the situation.

89. Neither of the incidents in the two preceding paragraphs involved a breach of Rule 38, as I understand it. Nevertheless, they were unbecoming the dignity of a headmaster and not calculated to set a good example to boys, some of whom were only too ready to resort to force themselves on slight provocation.

**Mr. F. A. Talbot**

90. Boy No. 80 alleged that about March, 1959, Mr. Talbot struck him in the classroom. The circumstances appear to have been that the boy raised his fists after the master had remonstrated with him for insolent miming behind his back. Mr. Talbot bundled or propelled him out of the classroom to the porch (the boy using very offensive language) and there slapped him two or three times on the face. I conclude there was an element of immediacy about the affair once the boy had raised his fists in a threatening attitude, especially as this boy was one who openly prided himself on his boxing ability. Accordingly, there is substantial mitigation as the situation developed. I consider, however, that with a different approach to the boy's conduct it might have been possible to avoid inducing an aggressive attitude, with no loss of control or status for the teacher.

91. Boy No. 71 alleged that Mr. Talbot struck him in the classroom, possibly after the Easter leave. Mr. Talbot considered his conduct was disturbing another boy. Despite several warnings, the boy continued his misbehaviour. Twice ordered to move to another desk, he did not obey but adopted a very truculent attitude. Mr. Talbot grabbed him by the collar and indicated he would "help him along" if he did not move of his own accord. In the presence of the whole class, the boy sprang to his feet and clenched his fists. Regarding this as a direct challenge, Mr. Talbot gave him a slap across the face. At the point at which the boy clenched his fists, there was clear mitigation of the breach of Rule 38. It does seem, however, that by treating the repeated disobedience in a more formal way, for example by reporting the boy to the headmaster, Mr. Talbot might have avoided the kind of situation in which the use of physical force, by the teacher, even though at that stage without breach of the Rule just referred to, can lead to a physical re-action on the part of the boy and so to a vicious spiral culminating in a breach of the Rule.

92. In my view, Mr. Talbot displayed a certain inflexibility in both these incidents. I do not consider, however, that in these actions he was influenced by any malice: nor do I feel that he is incapable of doing his work in future without breach of Rule 38, provided he faces up to the desirability and necessity of doing so. This is a matter calling for consideration by the managers. The problem of maintaining discipline was eminently one that

Mr. Talbot could have raised at a staff meeting with the headmaster, if such meetings had been held regularly.

**Mr. K. G. Elwell**

93. Some time between Easter and August, Mr. Elwell, selling cigarettes in the gymnasium, had occasion to tell boy No. 43 to be quiet. Despite repeated instructions the boy did not obey. Mr. Elwell approached him and, seeing him raising his fists, slapped him across the face to prevent what he thought might develop into a physical assault. There may have been some misunderstanding on Mr. Elwell's part of the boy's intention but, in the circumstances, I am not convinced that his reaction to the situation that confronted him was an unnatural one, though constituting a technical breach of Rule 38.

94. About Easter time, boys Nos. 14 and 57 were slapped, in the gymnasium, by Mr. Elwell. A number of boys said they saw the incident, which is variously described, but they do not appear to have seen what led up to it. On their own admission the two boys concerned were "playing about" and continued to do so after an instruction to desist. It appears they were pulling each other's clothes and rolling about on the floor and Mr. Elwell slapped them across the face to bring their horse-play to an end. While I found it difficult to form an absolutely clear picture of this incident, I was not convinced that the circumstances justified physical intervention.

95. Boy No. 1, who declined to give evidence, was slapped by Mr. Elwell, in the gymnasium. The boy by whom the incident was described did not see what led up to it though his description of the words used by Mr. Elwell was consistent with the housemaster's account—namely, that boy No. 1 came up to him clenching his fists and using very objectionable language, following a reasonable instruction from Mr. Elwell. This amounted to strong provocation and defiance before a number of boys, together with the threat implied in the clenching of the fists. I consider there is a strong element of mitigation in this breach of Rule 38.

96. In all the circumstances, I take the view that Mr. Elwell's actions in these incidents merit consideration by the managers in the light of Rule 38. In my opinion there is ground for reminding Mr. Elwell formally of the seriousness of breach of that Rule and, while he appeared by his demeanour to be genuinely regretful, for expressing some censure in respect of the incident described in paragraph 94.

**Mr. L. F. Flute**

97. It was alleged by boy No. 23 that Mr. Flute struck boy No. 61 with his fist in the face and stomach, when near the wash places and the dressing room. The latter boy, in speaking of this incident himself used the words "a good hiding" and, on questioning, his replies indicated that by this he meant a single "clout" with the open hand. This illustrates the difficulty experienced in stripping the bare truth of the adornment of colourful terms which boys used in describing a number of incidents—even though the contrasts may not be quite so marked in all such cases. Mr. Flute's account, which I accept, is generally consistent with the boy's own admissions. The main point of it is that some half dozen boys were



deliberately staging a "go slow" in the process of dressing after swimming. They were told by Mr. Flute that if they were not dressed in five minutes, they would be barred from swimming next time. Boy No. 61 was the first out and as he went he caused the swing door, deliberately as he admitted, to swing back on to Mr. Flute. Called back and asked to close the door properly, he did the same again, whereupon Mr. Flute slapped him. This was an unwise and strictly unjustified breach of Rule 38. There was, however, irritating provocation and I think the managers might bear this in mind in considering the incident.

98. Mr. Flute struck boy No. 41. He states that the boy kept interrupting his work in the kitchen to knock down wasps, which were apparently as abundant at Carlton this last summer as elsewhere in the country. Mr. Flute noticed the boy was putting them in a jam jar. After three unavailing warnings he went over to the boy. The latter put up his fists, whereupon Mr. Flute slapped his face. In order to appreciate the circumstances of this incident it is necessary to have in mind the high air temperature of the time, the added atmosphere of a kitchen and the unwelcome attentions of the wasps following a jam-making. All this adds up to a situation in which people may become rather more irritable than they normally are. I think this probably explained in large part why the boy raised his fists and why Mr. Flute, thus further provoked, slapped him as he did. I consider this breach of Rule 38 is mitigated by the circumstances.

99. During an early morning session, a small group of boys was engaged in digging out the eyes from potatoes, which had previously been peeled by machine. Mr. Flute, bending over to examine the water into which the potatoes were being placed, was splashed by one potato arriving with what must have appeared to be suspicious timing and force. Mr. Flute, who felt quite sure it had been aimed deliberately, brought the ensuing outburst of disorderly hilarity to a close by slapping the grinning face of boy No. 10, whom he believed to be the perpetrator of this practical joke. There was no element of emergency in this incident, so far as I could judge from the evidence. There was, however, a degree of provocation, in circumstances in which a quick slap may not have been an entirely unnatural reaction. This the managers may like to take into account in their necessary consideration of this breach of Rule 38.

100. Mr. Flute had occasion to criticise an unsatisfactory job of cleaning done by boy No. 27. He ordered the work to be done again. The boy, it appears, told Mr. Flute to do the b—— thing himself, if he wanted it done better and, on his own admission, clenched his fists. Mr. Flute re-acted to this by slapping the boy's face. I conclude that this breach of Rule 38 is not one that could be justified. There are, however, mitigating factors—the provocation through insolence, the pressure of work in a busy kitchen and the implied threat of the clenched fists. The managers may feel justified in giving these factors due weight when they consider, as I recommend they should, this breach of Rule 38.

101. I would add that there are aspects to most of the incidents relating to Mr. Flute which should remind the headmaster once more of the necessity, which in my view has existed for some time at Carlton School, for discussing the school's disciplinary policy with his staff, with a view to impressing adequately on otherwise amiable men, who have been doing

conscientiously a difficult and worth-while job, the necessity for controlling the instinctive slap reaction to the instant of provocation.

**Mr. D. F. Henderson**

102. I feel it would be right to preface my findings on the allegations relating to Mr. Henderson with a special observation. The particularly frank and straightforward manner in which this master gave his evidence was of very great assistance to me—not only in relation to those allegations but equally on the general conditions affecting the school. It seemed to me most unfortunate, in the light of what follows, that a master of such potential quality and mature experience failed to appreciate at its full and proper value the importance of strict observance of Rule 38 in all but circumstances of emergency. I cannot but feel that a master of the integrity and intelligence suggested by the manner of his evidence before me would have been quick to learn this vital lesson, if the question of the school's policy in regard to discipline had been pursued by the headmaster with all the attention it deserved in the stimulating professional atmosphere of the properly constituted staff conference.

103. In August, according to the allegations, Mr. Henderson gave boy No. 23 one slap on the face in the classroom because he did not stop arguing with another boy after being warned.

104. Having come upon the inception of another act of bullying, at a time when there had been allegations of such conduct, Mr. Henderson gave two or three slaps to boy No. 57, whom he took to be the ringleader, and later had a serious talk with him.

105. When the school was about to go into the dining room for a meal, one boy (No. 41) was ignoring a general request for quietness. Mr. Henderson endeavoured to give him a slap. As he ducked away, Mr. Henderson straightened him up by applying his knee to his seat and then slapped him. As there was no other master immediately on hand, Mr. Henderson had judged he could not risk this boy refusing to go to the headmaster if he had so requested him.

106. All three incidents are manifest breaches of Rule 38 and only in one, the third, is there any specific circumstance which could be regarded in any sense as importing mitigation. It is clearly necessary that the managers should consider these cases carefully with Mr. Henderson, so that he may be in no doubt in future concerning the absolute compulsion of Rule 38 in all but quite exceptional circumstances.

**Mr. W. T. Mackenzie**

107. Boy No. 22 alleged that Mr. Mackenzie made a violent attack on him shortly after Easter. The account of Mr. Mackenzie, which I accept, indicated that the broad outline of the incident was as follows. Mr. Mackenzie, mindful of some trouble which had affected his family about 6 years ago (the nature of which he did not wish to reveal in public) was concerned about a threat which his son had said the boy had made to him. On the following day, he called the boy from his trade group and spoke to him about the matter. Mr. Mackenzie stated that he was reprimanding him and actually intended to do no more than that. However, the boy had become really aggressive and put his fists up. Mr. Mackenzie

therefore gave him a slap across the face. It is understandable that Mr. Mackenzie, as a parent, would be very disturbed indeed by a threat, regarded by him as serious, to a member of his family. On this account, he felt justified in dealing with the boy as "man to man". In this assumption, he was undoubtedly in grave error. Apart from the absence of any moral right to take the law into his own hands, he had a clear duty, in the interest of protecting the children of other masters, to report the threat to the headmaster for proper investigation. It might have been expected that this would occur readily to a man who had spent over 8 years in the approved school service and who previously had been a senior armament instructor in the R.A.F. and had quite considerable experience in voluntary work with young people. It seems to me that the managers should give serious consideration to this breach of Rule 38. In doing so, they will no doubt attach what they regard as due weight to the effect of a parent's natural feelings in such a situation, as I have endeavoured to do myself. At the same time, it is necessary to have in mind that Mr. Mackenzie erred seriously in dealing with the threat in the way in which he did and that in the interchange with the boy there was no element of emergency which could be regarded as mitigating his action in using force. Some approved school boys were only too ready, as has been seen, to take the law into their own hands, and action such as this from any member of staff can only re-inforce such lawless inclinations.

108. There is an allegation of physical violence on boy No. 96 in the gymnasium at the hands of Mr. Mackenzie. Boy No. 96 stated that he knew of no reason for the master's action nor was he given any explanation by him. There has been some doubt about the identification of this incident. In the nature of the evidence I feel it proper to rely on the account of Mr. Mackenzie who could remember only one occasion resembling in any way the general circumstances of the allegation. During a change of towels in the gymnasium, the boy concerned was flicking his wet towel in another boy's face. Regarding this as a very dangerous practice in view of the risk of damage to the eyes, Mr. Mackenzie instructed him to desist and went across to him as the boy kept on flicking the towel. The boy resumed this action after Mr. Mackenzie moved away again and he then gave the boy a slap on the face. I do not consider on the evidence which was before me that the challenge to authority justified slapping in this case. It is, however, readily understandable that Mr. Mackenzie would wish to put a stop to the boy's dangerous action with the utmost speed and that he made the instantaneous decision that a slap would best achieve that object. I conclude therefore that this is a breach of Rule 38 for which there is strictly no justification, but one in which the managers may feel there is reasonable mitigation in all the circumstances.

109. An allegation concerning boys Nos. 66 and 73—one of the few for which there is considerable corroboration in general—is attended by considerable variety of evidence in regard to the details. This is perhaps not unnatural in view of the sudden and violent nature of the incident, and the confused flurry of action. This involved two boys, tangled in the all-in type of brawl to which a section of our youth is unfortunately given today, and a master seeking to separate them before serious injury could be caused. In view of this, I have made allowance, in considering

the evidence, for the understandable possibility that witnesses, including even the protagonists, may not be able to recall all that happened or indeed their own every action in this episode of violence. It would appear that it occurred about Easter 1959, in the dining room. The two boys already mentioned fell out over a cup, which it seems one had taken from the other. Mr. Mackenzie saw boy No. 73 taking violent action. He had punched the other in the stomach and, ignoring Mr. Mackenzie's shouted instruction, started as though to kick him in the face. Mr. Mackenzie rushed over, seized the aggressor by the arm and pushed him away. He stated that as this boy still tried to return to the attack, he slapped him in the face. I think that, in the circumstances already described, it is possible that Mr. Mackenzie may have used force beyond this slap but that what he did in the necessity of the moment was clear neither in immediate perception nor later recollection. This would be consistent with the evidence given by boys who witnessed the incident. In any event, I am satisfied that this was one of those cases where the element of emergency and the consequent need for prompt physical intervention, after an instruction had been ignored, justified action in technical breach of Regulation 38.

**Mr. D. Smith**

110. Boy No. 27 alleged that some weeks before the riot Mr. Smith attacked him, on the ground that he had not carried out his duty to give the chickens their food at night. There seems no doubt that the chickens were not in fact given their food that night by the boy and that the boy's reply to Mr. Smith's questions was unsatisfactory. Mr. Smith, who was provoked as might be natural in a farmer by the cruelty of failing to feed penned livestock, admitted giving the boy two slaps over the face. This was a clear breach of Rule 38, for which I could see no specific mitigation. The matter could have been dealt with in other and more legitimate ways quite effectively.

111. Boy No. 53 alleged that Mr. Smith struck him for aiming small cubes of calf food at the hoist in the loft. Mr. Smith admitted that he gave the boy a slap, having previously issued warnings to the boys about wasting this costly animal food. While appreciating that waste is anathema to the economic farmer, I cannot but conclude that this was a breach of Rule 38 for which there is no adequate specific mitigation.

112. Boy No. 59 alleged that during the August home leave period Mr. Smith had assaulted him, in the cow-shed. At about 6.20 a.m. Mr. Smith, on entering the cow-shed, saw the boy holding the assistant farm bailiff by the hands against one of the cow rails. Considering the boy to be in a very aggressive mood, Mr. Smith told him to "come out of it", which the boy did, and he then slapped his face a couple of times. It is clear that Mr. Smith had to act quickly in the situation which he found, whatever had led up to it. Whether it was imperative, once he had induced the boy to come away from the other master, to slap him as he did is more doubtful. It is, however, necessary to allow for the heat of the moment in a most disturbing situation. Events must have moved quickly, making it difficult in all probability to assess instantly whether the boy had indeed abandoned his violent intent. In my view, the degree of emergency and provocation constituted reasonable mitigation for this



breach. Where Mr. Smith erred gravely on this occasion was in not reporting to the headmaster such a serious matter as an attack on a member of staff. It is the more difficult to understand this omission having regard to the general knowledge in the school that a nucleus of potentially very difficult boys had accumulated. It might have been expected that the headmaster would have put his staff on notice to bring to his attention any instance of serious insubordination. This again was the kind of problem that might well have been discussed at a staff conference and have brought as a by-product of discussion improvement in the defective team-ship. Apart from that, it is possible that a charge of serious misconduct at this juncture, especially if it had led to a committal to Borstal as it might have done, could have had a salutary if not decisive influence on the unruly "hard-core" boys who were shortly to erupt.

113. It is unfortunate that Mr. Smith should have allowed such conduct to mar his otherwise excellent record as a farm bailiff. He is well qualified for his post and had had experience of approved school work over 15 years. During a comparatively short period, in the farming sense, he had brought poor land into good heart, had greatly improved the management and had made the farm an economic unit, with benefit to the cost of running Carlton School. He impressed me also as extremely conscientious and keen in his endeavours to give the boys a sound training in theory and practice, and his department was one of those picked out for praise by the Home Office as a result of the full inspection. In his spare time, he had gone out of his way to provide outside interests for various boys, whom he had taken to agricultural exhibitions of one kind or another. Indeed in every way except his breaches of Rule 38 (and his tendency to use strong language when provoked, see paragraph 121), he was a farm bailiff that any farm approved school would welcome on its staff. It seemed possible that the element of distance which affects a farm's location in relation to a school may have induced Mr. Smith, especially when out in the furthestmost fields, to settle his disciplinary problems as far as possible without incurring the interruption of reference to the headmaster by going down to the school. This perhaps accounted for the view which he expressed at the inquiry to the effect that a slap could often do good if given at the right time. It would be sad to see a man who has given so much to the approved school service deprived of the opportunity of giving yet more; and I think, too, it would be a great loss to the boys themselves if he were so deprived. Clearly, however, it would be difficult to mitigate the extreme penalty envisaged in Rule 38, if he cannot in future restrict himself to orthodox discipline, and, in view of what is said later, greater propriety in his language. The managers should consider Mr. Smith's position in the light of this condition.

## VI—OTHER GRIEVANCES OF THE BOYS

### Licensing

114. A number of boys mentioned that there was a sense of grievance about the general length of time between admission to the school and release on licence. The headmaster himself stated that changes which he made in the approach to licensing, after a review of previous practice in the school, had led to an extension of the average length of stay. This

change had been accompanied by an improvement in the "success rate" (see paragraph 61) over the school's previous rate and the national average. There are, no doubt, many factors to be taken into account in looking at such figures, including the degree of difficulty of the boys received in comparison with other schools—a matter which is not within the scope of this inquiry. Licensing is, of course, essentially a matter for individual consideration, and the headmaster stressed that each case was considered on its merits—the main criterion being the prospect of the boy succeeding in life outside the school (see paragraph 61).

115. Certain boys came to the conclusion that the period of stay in Carlton School was longer than in some other schools, whether from personal knowledge of another school or, in some cases, because their mates sent to other schools at the same time had already been licensed. This became a grievance among the boys, and one that was known to members of the staff. The question whether or not the grievance was justified would depend on close examination of each case. Some members of staff thought it might perhaps be better in some cases for boys to be released a month or two earlier, but no convincing evidence was produced to bring in question the validity of the decisions in individual cases—though in some instances there were clearly aspects which could with advantage have been discussed by the managers as independent "outsiders". The crucial point, however, for this part of my report, is that the boys had made a grievance of it (one boy went so far as to say that this question of licensing was one of the two main reasons for the disorders). It seems clear from the evidence of a number of boys that various members of the staff, including the headmaster, had attempted to re-assure individual boys on the subject of licensing but I am not satisfied that sufficient importance was attached to the mounting of a combined operation throughout the school in order to clarify the issues beyond doubt and so clear away the grievances and misunderstandings so far as possible.

116. It would probably be helpful if schools having boys committed at the same time, for the same offences, could keep one another informed about dates of licensing in such cases. This would enable the school keeping a boy longer than his companions elsewhere to take any necessary special steps in order to ensure that he appreciated why he was being kept on at the school.

#### Mail

117. Anyone with experience of service life will know that faults in the mail system can be a fertile source of discontent among those away from home. There were two main grievances about the mail system at Carlton School—one unjustified and the other, in my view, justified. The occasional withholding and suppression of letters under the school's censorship arrangements was the first complaint. It is, of course, a delicate personal matter and, as a grievance, it may have played some small part in building up the discontent on which the stronger spirits played. In my view, however, the boys' criticism in this matter was quite unjustified, and I do not feel it right to question the wisdom of some kind of control having regard to the undesirable nature of some of the letters described to me. I think, however, that great care should be taken to convey to boys in a sympathetic way the undesirability of allowing objectionable material to pass through the post.

118. The other grievance, which related to outgoing mail, had some justification. Here the arrangements were unsatisfactory in at least two respects. In the first place, it came out in evidence that the post box, on the outer door of the games room, had been broken into twice during twelve months or so. In fact, for the past nine months, as Mr. Elwell, who normally handled the mail, readily admitted, it had been nothing but a receptacle which could be opened readily by anyone, the hasp having been broken off. Mr. Elwell said he had warned the boys time and time again to hand their letters to him instead of putting them in the box but in many cases they continued using the box. It would have been a simple precaution, if it were indeed the intention that the box should not be used at all, to take it away or otherwise make its use impossible—though, as suggested below, an even simpler solution could have been considered. The major complaint of the boys, however, was directed at the occasions when Mr. Elwell was absent on his periodic longer spell of off-duty, in the latter part of the week. It is understood that at such times the boys were to hand their letters to Mr. Mackenzie if they wished them posted promptly, instead of following the normal practice, whatever that was. The headmaster was under the impression that the system worked with satisfaction. It seems clear, however, that it did not. Boys sometimes put their letters in the box during Mr. Elwell's absence, with the result that on occasions letters might be delayed in reaching the post. That the box was thus sometimes used was not unknown to the headmaster, because he had on occasion been told by Mr. Elwell that letters had been found in the box on the Friday evening of a week in which his absence fell, and the school had been reminded of this intermittent arrangement for handing letters to Mr. Mackenzie. All this misunderstanding and the consequent discontent could have been avoided by having some straightforward and invariable arrangement for the letters to be posted in the box, which for safety against rifling could have been on the inside of the door of the housemaster's room and reached by a slit in the door as with the ordinary type of letter box. The letters could then have been collected for posting by the member of staff responsible for the post on any particular day. In my view, the confused mail arrangements betokened a lack of due care and attention in a matter of vital personal concern to the boys.

#### Rewards and privileges

119. As explained in paragraph 29, the personal influence of the headmaster and staff in the maintenance of discipline is reinforced by a system of rewards and privileges, which vary according to a boy's conduct. A number of boys complained that the privileges which they could earn were not adequate. As might be expected, some extravagant suggestions were made for improvement, but in the main the criticisms seemed quite reasonable. One major point made was that boys whose conduct reached an appropriate level might be allowed out of the school more frequently. One member of the staff stated quite specifically that he wished there were more rewards and another that he felt the boys should have more contact with the outside world. While I do not think the boys had cause for serious complaint, it would be an advantage if a more imaginative scheme could be devised. It is accordingly recommended that the managers should consider, in consultation with the headmaster, what can be done to this end.



### Fixing

120. There was an impression in the minds of the boys that at times they were "fixed". This term seemed to be variously interpreted. In one case it was used to describe an allegation that, when the culprit could not be identified, the small group of boys around was booked for loss of marks under the rewards and privileges scheme; in another, it was used to mean making an offence (or even an innocent action) appear worse than it was by deliberate rigging of the facts or material evidence; in yet another, it appeared to mean merely that a master had deducted more marks than the boy himself felt an admitted offence merited. While this was undoubtedly a grievance in the minds of some boys, and may have been due in part to differences between different masters in assessing the penalty for particular misdeeds, there was no evidence which convinced me that this grievance was founded on fact.

### Staff example

121. Several boys laboured under a sense of injustice that staff should set them a bad example by departing allegedly from the high standards of conduct which they expected to find in the masters, whatever their own conduct might be. This feeling was associated mainly with the slapping and other cases of physical control already considered in detail in Part V. One further instance of this feeling was the fact that boys, corrected for using strong language, could point to Mr. Smith, who was sometimes provoked unfortunately into the same undesirable practice, though I am sure without malice or deliberate intent (see paragraph 113). It must be stated, on the other side, that a number of the boys made it clear they had no complaint whatsoever about their own treatment by the staff. On balance, I consider there was some justification for this grievance in regard to the headmaster and certain members of the staff—but only to the extent of my findings in Part V.

### Food

122. A few complaints were made about the food. After considering all the evidence I consider that these were unjustified. Mr. Flute is undoubtedly a well-qualified cook, who has gone to great trouble to acquire his high qualifications during the course of his ordinary work.

### Clothing

123. There was some criticism by a few of the boys of the clothing worn for going out of school. Style and material were the main targets. These are both matters of personal taste, and no doubt, within the limits of what could be made available, the school would have some regard to a boy's reasonable preferences. From the actual appearance of those who gave evidence before me, and from what I saw at the school, the clothing appeared to be of normal type and in reasonable variety, though the material in some cases was rather thick and heavy.

### Other complaints

124. There were a few other complaints made by some boys. In my view, however, there was no adequate foundation for such of them as were relevant to the inquiry: the remainder were necessarily excluded as irrelevant to the inquiry.

## VII—CAUSES OF THE DISTURBANCES

### A. UNDERLYING CAUSES

125. In my view, there were two main underlying causes of the disturbances at Carlton School—first, the insufficient development of the personal relations and, secondly, the deterioration in the type of boy.

#### Personal relations

126. In pointing to the defects in the personal relations within the school, it is not my intention to underestimate the valuable individual contacts with boys established by particular members of staff. The weakness lay primarily in the insufficiency of planned measures for drawing together into a close working relationship the boys, headmaster, assistant staff and managers. This basic condition is seen in a number of factors. They include the inadequacy of positive arrangements for the airing and clearing of boys' grievances; the absence of regular staff conferences in the accepted sense and of the stimulation provided by such discussions to effective teamship; the thinness of individual contact between boys and managers in regard especially to licensing, though I do not question that the managers did visit the school regularly. Even ignoring the positive contribution which well-developed opportunities for close personal relationships can contribute to the major work of re-forming boys' characters, it is clear the insufficient development of personal relations at Carlton School deprived the school of a most essential safety valve and was a prime cause of the disturbances of August, 1959.

#### Deterioration in type of boy

127. In the last two years managers and staff have noticed a deterioration in the type of boy coming to the school from the classifying centres. They said the boys generally are now far less truthful than formerly and a number of them far more prone to the use of violence. At Carlton School the ability to field good teams in sport of all kinds, noteworthy once in Bedfordshire, has been replaced by a lethargy in the boys, some of whom stir with energy enough only to abuse and defy the master trying to persuade them to go to the playing fields. The masters never cease trying to encourage the boys to take part in games. They give much of their own time to that task, willingly and without reward, but with a diminishing response noticeable particularly since 1958. Boys having the right qualities for choice as house captains and leaders are now difficult to find at Carlton School.

128. Anti-social and anti-authority characteristics among boys committed for training over the last two years have increased and worsened in that period. The task of training boys has become the more exacting. The usually more amenable majority has been more powerfully influenced by the proportion of boys possessed of the characteristics just mentioned. In consequence, the equanimity of the masters in the approved school is now subjected to tests in a manner and with a frequency not formerly experienced. The boys with the characteristics referred to have formed a hard core of trouble-makers at the school and are ready to be violent to other boys and to use belts and boots to inflict injury. They succeed in bullying weaker boys simply by the mention of such violence. The presence of a mere nucleus

of such boys in the school up to August, 1959, was an underlying cause of the disorders. This factor applies also to many other schools dealing with the older boy but it assumed a special importance at Carlton School by reason especially of the defective relationships there.

129. Closely related to this problem is another which it would be convenient to consider under the same heading. In the special circumstances prevailing at Carlton School in 1959, the managers and staff were hampered by a deficiency (common to all senior schools) in their authority over the hard core of unruly and subversive boys. There is lacking in the approved school service adequate sanction in the hands of management against the inciter to trouble who himself refrains from overt serious misconduct and who is not an absconder, and yet can go a long way towards overthrowing the constitution, as it were, of the school by bullying or by subtle stirring-up of weaker boys to hostile action. These "hard-core" boys are likely to fail to co-operate in training and they conduct themselves in a manner seriously detrimental to other boys in training. Some witnesses at the inquiry implied that tensions in the school would have been eased and the August outbreaks probably avoided, if the removal of certain youths known by the staff to be exerting a bad influence could have been arranged promptly. When Mr. Dickinson asked for police help on Friday evening, 28th August (paragraph 66) he apparently had no evidence of specific misconduct by individual boys sufficient to support a formal charge. In the event, Captain Starey took over and succeeded in quelling the uprising that night, but if power had been available in hand for use by him and Mr. Dickinson, they could have authorised the police to remove and hold, pending transfer, some of the ringleaders and thereby nipped that disturbance in the bud, and no disorder would have ensued that week-end. The lack of authority enabling prompt removal with police help of the chief instigators of mischief as an anticipatory step to prevent a breach of the peace in the school, was a factor in the August disorders.

#### **Increase in certified numbers**

130. In considering what were the other underlying causes of the disturbances at Carlton School it is necessary to identify and put to one side circumstances which may be common to all or many approved schools and to consider only those peculiar to Carlton School. Approved schools have to deal with the lasting problem of training boys who arrive there after all other methods of treatment have failed. To re-start on repair is a formidable task when the boy is once more in a disturbed state after one or more of the other available remedies have been tried for him: namely, probation, attendance centres, detention centres, special education, child guidance centres and clinics, or committal to the care of a fit person. This problem is made more difficult by the fact that the approved school service as a whole is suffering from the new burden of the recent increase in numbers of difficult anti-social and anti-authority boys as already mentioned (paragraph 25), and this burden may become heavier with the school-leaving "bulge" expected in the next few years. Most senior schools were obliged to accept an increase in their certified number of boys (paragraph 53) under the compulsion of increased committals by the courts and Carlton School took the share, ten boys, considered

to be fair as the situation was appreciated at the time. That adding of ten boys to Carlton School's eighty-six was decided upon despite a certain degree of reluctance in the managers and inspectors concerned, and the appointment of an additional housemaster was judged to be a necessary concomitant. These events took place in 1958. Efforts were then made to find a second housemaster. The understandable initial reluctance to accept more boys should have been followed, as the boys came, by an increase in alertness on the part of the school authorities to anticipate trouble calculated to flow from the presence of a larger population on premises lacking the necessary second housemaster. If, as the months went by without finding him, the deterioration in the type of boy was seen to constitute a definite risk of dangerous consequences, then the headmaster, charged with responsibility to the managers for the efficient conduct of the school, was under a duty to bring the risk to the notice of his managers. This would have enabled them in the discharge of their duty under Rule 10 to ask the Home Office for a review of the certified number and for a reduction to be enforced until the second housemaster was installed. No request was made by the school authorities for this to be done. The Home Office inspectorate, while aware of the changes, could not be expected to initiate a discussion on reduction if the school side uttered no warning note. The staff members who appeared before me were quick through their representatives to stress at the inquiry the influence exercised on the conduct of the school by the advent of the ten boys. The readiness of Mr. Price to put up with the position until the breakdown of control in August, 1959, viewed in one way, could be regarded as showing a spirit of determination not to abandon the attempt to curb and train difficult boys in his care by asking for their transfer. The same spirit may well account for the school's failure to take action early enough to reduce numbers when the non-appearance of a second housemaster looked like continuing indefinitely.

131. One of the underlying factors which contributed in some measure to the August disorders was the prolonged failure to secure the services of a second housemaster and the fact that the advisability of reducing the certified number was not realised when a reasonable period had elapsed without the second housemaster having been appointed. The time for considering a reduction in the certified number was, in my opinion, about nine months after the date of the increase, that is, by the end of March, 1959. The effect of this factor grew in importance as the quality of new boys worsened. This is said in full appreciation of the urgent pressure for additional places and of the credit which must be given to the managers and staff for their readiness to meet this national need.

#### Absence of psychiatric services

132. This matter is mentioned next because considerable reference was made to it during the inquiry. During the period examined, namely 1957 to 1959, Carlton School received from the classifying school without comment a number of boys who were in fact the subject of psychiatric reports made individually before Carlton School was chosen by the centre. In every case Carlton School offered the most suitable form of training in the opinion of the classifying school, which made the choice only after careful consideration of the case. Of the 24 senior boys' schools available,

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10, including Carlton School, have not the services of a psychiatrist. At the beginning of the period, 25 per cent., I understand, of the boys sent to Carlton School, were the subject of a mention by the classifying school in respect of psychiatric recommendations. I have examined the records of the 96 boys on the school's register in August, 1959, and find that reference to psychiatry affected the cases of few boys then in the school and that the suggestions made by the centre to Carlton School on psychiatric needs varied from a request for mere oversight of the boy and a re-appraisal later on (a formula of request covering the majority of so-called psychiatric cases) to specific warnings of the risk of mental deterioration which should be met by the efforts of a psychiatrist, a need applying to very few cases indeed. Mr. Price in evidence before me underlined the school's deficiency in the specialist help it could give to these few boys by means of psychiatric treatment but he did not subscribe to the view that only to find the words "psychiatric report" in a boy's case papers, should be followed almost immediately by the arrival of a psychiatrist to look at the boy. Mr. Price felt that with most boys he received the application of common-sense by his own staff was sufficient to meet the classifying school's recommendations. Mr. Price at no time found it necessary to make any use of the "report-back" procedure operated by the one classifying school that made psychiatric recommendations to Carlton School. That procedure provided Mr. Price with an opportunity of informing the centre whether any unsuitable allocation had been made to his school. Nevertheless the fact is that Carlton School was quite unable to obtain the services of a visiting psychiatrist for the few cases in need, despite Mr. Price's sustained effort directed at the highest level he was capable of reaching in the Home Office or the Regional Hospital Board. Captain Starey asserted at the inquiry that the absence of psychiatric help was the fault of neither authority—a visiting psychiatrist for Carlton School was not to be found in the County of Bedford.

133. One result of the absence of skilled treatment in the few cases of psychiatric need that came to Carlton School was the continued presence among the 96 boys of some whose behaviour was likely to have an unsettling effect on the general training pattern adopted for these senior boys. I heard no reliable evidence identifying the few boys mentioned with specific instances of misbehaviour in the period 1958 and 1959 or in the disturbances of August. On the whole, I feel that the uncorrected instability of these boys in the atmosphere of Carlton School was part (though small) of the troubles mounting in the last two years at the School and culminating in the final disorderliness.

#### Grievances

134. The boys at Carlton School harboured for a long time before August, 1959, a number of grievances, some real which I deal with elsewhere in this report, some imaginary. The existence of some of the grievances was known to a few of the staff. The presence of grievances provided a fertile soil for persuasion to misbehaviour by more powerful boys of the worst type referred to earlier. The quick resort to slapping by those masters who are named in Part V as having so acted played a part in the build-up of grievances from fanciful antipathy by a few boys against certain masters to a belief in many impressionable minds that there was

injustice in the system of treatment at the school. The absence of adequate and positive means of ventilating grievances was an indirect cause of fundamental importance in the disturbances.

#### **Staff meetings**

135. The lack of a system of regular staff meetings, which might well have shown up danger signals in the life of the school over the past two years and which should have encouraged a better and more co-ordinated approach to the boys by the staff, contributed to the boys' outburst in August, 1959. Without doubt it limited the staff's opportunities for raising, in the stimulating atmosphere of professional discussion related directly to Carlton School, aspects of the work on which they would have welcomed guidance, or suggestions which they might have wished to put to the test of such discussion.

#### **Leisure**

136. There was a failure to evolve a plan of activities during the evening and week-end sufficiently stimulating and absorbing for boys likely to be attracted by suitable programmes. The boredom and waste of leisure time persisting in boys from habit formed in ordinary life demanded counter-measures to prevent school life itself from degenerating into a mechanical round of so many hours work and the rest of time, blank, unenlivened and unlive. Boredom assisted in the breakdown. This is said with due appreciation of the contribution made by various members of staff to the leisure activities.

#### **Return of boys after a serious charge**

137. Another underlying cause was the return of the five boys unpunished from Warwick Assizes in June, 1959, where they had pleaded guilty to a serious charge of violence to another boy (paragraph 51). The assize court accepted Mr. Price's suggestions as to dispersal of the offenders. His failure to implement the undertaking was calculated to result in the five boys and others there becoming scornful of the law and its processes; and to give rise to an infection of insolence in a school that apparently was prepared to retain five boys guilty of serious violence on one boy without any retribution. Five boys had "got away with it": other boys might be expected to feel that they too could "go it" with impunity.

#### **Precautions omitted**

138. The failure to sense any unusual unrest during the weeks preceding the outbreak and to take special precautions was a contributory factor in the disturbances. The headmaster had been for some time on notice that there existed in the school a nucleus of extremely difficult boys. That knowledge might have been expected to lead him to consider the more carefully his staffing dispositions. Mr. Price went away on August 22nd, a week after 67 of the boys returned from a spell of home leave. In that week an undercurrent of agitation among the boys was perceived by some of the masters. The boys were restive and more so than usual after home leave. Yet Mr. Price left the school under the control of his deputy without the assistance of the third in charge who was also on leave. Evidence at the inquiry was directed by the staff to showing that they were "thin on the

ground" at the time of the disorders. Vacancies in the establishment of Carlton School, particularly that of second housemaster, must have added to the perplexity of arranging the staff leave; and August is the natural choice by staff members who had their own children of school age to consider—though in view of the readiness of the education authorities to co-operate in regard to school attendance, it would seem right and reasonable that the staff holidays should be spread according to the needs of the school, the convenience of individuals being met so far as possible. The weakening of power of control over the boys just after return from home leave was a cause in part of the breakdown in discipline and orderliness in August.

#### B. DIRECT CAUSES

139. The boys were in a sense material in the school. The effect of the indirect causes set out under Part VII A, was to convert the material into tinder ready and dry. It was kindled into a blaze by sparks—and some should never have reached the boys at all. A main cause of the disturbance was the destruction by burning of belts. They were judged by Mr. Dickinson to be dangerous weapons and were confiscated by his order. That was a sound judgment and correct action. Destruction of the belts, regarded by some boys as private property, was a cardinal error of judgment. What to do with the belts once seized and safe was a question to be considered in due time by the managers as parents, on the advice of the headmaster.

140. At the very first showing of mass disobedience on Friday evening, 28th August (paragraph 66) Mr. Dickinson purported to deal with grievances by moving from boy to boy in the gymnasium without pencil and paper and listening to the individual complaining. The situation called clearly for a more formal and impressive arrangement for gathering complaints so as to convey to all the boys of the school a feeling of certainty that there would be a serious investigation. The failure to grapple with the show of complaint in a manner sufficiently impressive was a proximate cause of the disorders.

141. On the Friday night, 28th August, police were seen by the boys to arrive at Carlton School. The police were asked to withdraw and they unhesitatingly complied with the managers' wishes and desisted from taking over control of the situation. That withdrawal probably left in the boys' minds the quite false impression that "the law" had been routed. Mr. Dickinson failed to inform Captain Starey that he had telephoned for the police. Captain Starey, during his successful appeal to the boys to behave and go to bed, had no reason to think of police as a factor in the critical situation at Carlton School. Arrival of police so soon after the Chairman's words induced some of the boys to believe that they had been double-crossed in the surrender to the appeal. Captain Starey had no time to forestall that interpretation of events. Mr. Dickinson erred seriously in failing to inform Captain Starey when he arrived that the police had been summoned; and in failing to attempt to stop them coming, either by another telephone call or by sending a member of the staff down School Lane to intercept and hold off the police until the results of Captain Starey's own efforts with the boys were clarified.

142. The recurrence of trouble on the following day (Saturday) was, in my view, due to the determination of some of the disaffected boys



(especially boy No. 70) to obtain publicity for what they regarded as grievances and to their incitement and persuasion of other boys to indulge in disobedient and unruly behaviour.

143. As regards the unruliness on the Sunday, the publicity given in certain Sunday newspapers (read by the boys at the school) to the disorders which had taken place heightened the attitude of bravado already exhibited by the boys in the earlier events of that week-end. The arrival of a large number of Press representatives in the school did not improve matters. The conduct of some of them in inducing boys, with gifts of cigarettes, to pose for photographs in aggressive attitudes, must have increased the restlessness of the boys and their disinclination to submit to normal authority. I can only describe conduct of this kind as being in the worst of taste. The mass absconding of the boys on the Sunday was, in my view, caused mainly by the action of boy No. 70 in inducing other boys to think, wrongly, that the managers intended to pick out certain boys for punishment. This destroyed the probable readiness of the majority to accept from the managers and Mr. Hadley their undoubtedly genuine offers of investigation of complaints as a truce to the troubles.

## VIII.—CONCLUSIONS AND RECOMMENDATIONS

### Future of Carlton School

144. Carlton School, as one of the establishments in the nation's approved schools system, has undoubtedly made great contributions to the solution of the problem of training senior boys committed by the courts. In the school's organisation and conduct, however, there are to be seen now certain defects, some of which received emphasis in the arguments advanced and evidence tendered at the inquiry by the managers, headmaster and staff. The serious shortcomings compelled me to consider earnestly whether it was proper that I should recommend closure of the Carlton School. Defects tending to impose a recommendation to close the school included, the nature and age of its premises; its comparative isolation; the difficulty of gathering together a sufficient number of interested managers with time enough to make their interest effective; the chronic want of a psychiatrist in that part of Bedfordshire free to visit the school when needed (a service now provided in 60 per cent of boys' approved schools) for whose skilled attention there may well be increased demand in the next few years at senior boys' level; the impossibility, so far, of securing the appointment of a second housemaster and therefore of a third who is really necessary if not more than 40 boys can be reasonably allocated to one housemaster (paragraph 22); and the reaction to the August disorders in the public mind and in the county itself which possibly is a factor adverse to the school's interests.

145. On balance I decide against recommending closure of Carlton School. Justification for keeping the school in service for the betterment ultimately of the senior boys sent to Carlton School and therefore for the benefit of the community is founded on consideration of the following points:—

- (1) The long and valuable tradition of the school itself;

- (2) the success rate (paragraph 61) achieved in face of certain difficulties which underlines the generally effective work being done at the school ;
- (3) the reasonable possibility of bringing the premises up to modern standards, given initiative on the part of the managers and the requisite authority for capital expenditure from the Home Office ;
- (4) the assumption that it should be possible to add to the present body of managers persons who are able and willing to take an adequate share in the task of running the school in the spirit as well as the letter of the Approved School Rules ; that such persons can be found by casting the net rather more widely than at present so as to embrace people of varied background and experience (including that of social work and contact with young people) ; that Bedford itself can be drawn on for some of the managers, modern transport being reasonably easy for individual persons in the county, provided that the need is not overlooked for some managers to be residing in the locality of Carlton School ;
- (5) the prospect of rapid development in the Mental Health Service generally in the light of recent mental health legislation ;
- (6) the fact that approved schools are not mental treatment centres and the expectation that, so far as the vacancy position will allow, the classifying school will direct the more pronounced of the psychiatric "cases" in the future as it has done presumably in the past to other approved schools better fitted to deal with them or, where proper, will refer the cases or advise their reference if possible to the psychiatric services available in the area of the appropriate Regional Hospital Board ;
- (7) the belief that the headmaster, given a full staffing complement, and a deputy headmaster able to carry out the full range of a deputy's duties and with support in the nature of extended interest coming from a more widely representative managing body, will be capable of overcoming past failings in the realm of leadership and of making good the deficiencies in organisation and control of his school and staff ;
- (8) the substantial and important facilities at the school now provided to train senior boys in six specified callings (the farm alone has 150 acres, and pedigree herds of Ayrshires and pigs), and the standard of training attained already with suitable boys.

146. The continuation of the school as a satisfactory training establishment for senior boys is in my view dependent also on a removal forthwith of blemishes disclosed at the inquiry. These are :—

- (1) the headmaster's resort (shown in two cases) to the use of force in physical control in a form inconsistent with the dignity of a headmaster or with the setting of good example to staff and boys ;
- (2) the resort to irregular punishment on occasion by certain members of the staff to the extent set out in Part V ;
- (3) the failure to institute regular staff meetings with the object of helping staff to develop sound methods in effective teamwork ;

- (4) the omission to ensure that boys had adequate opportunity for unhurried private discussion with the headmaster as they might reasonably require it;
- (5) the rather limited range of recreational interests and activities (despite valuable efforts by certain members of the staff including Mrs. Price, the matron).

All these deficiencies admit of remedy. The goodwill demonstrated at the inquiry by managers, headmaster and staff towards securing quick recovery of the school from its recent ills and troubles offers a good basis for the hope that those unfortunate experiences can be turned to good effect in the future. In order to assist in this object, it is recommended, in the special circumstances of this school, that the certified number should be reduced to 86, pending the appointment of the additional housemaster staff recommended (paragraph 144).

#### Managers

147. The frankness and co-operation of the managers towards the purpose of the investigation created a most favourable impression in my mind. They readily accepted full responsibility as managers for their actions and, in certain respects, for inaction. Independent evidence showed clearly that during the August disorders the managers acted with complete devotion to their public duty and with a disregard for their personal convenience. I feel it right to record the effect of the evidence heard from witnesses concerning two of the managers—Captain Starey, the Chairman, and Major Farrer. The Chairman made untiring efforts to restore the situation from his arrival on Friday night (28th August) to the Sunday. He succeeded temporarily on several occasions when many faced with the same setbacks would have abandoned the endeavour quite early on. The break-out of the boys came finally through no mishandling by Captain Starey at any moment in the three days under review. The other manager, Major Farrer, a working farmer, sized up the situation at the school and took on himself the obligation to house under his own roof first eight, later ten in all, of the boys who refused to have any part in the mass absconding and other troubles at Carlton School. Major Farrer still found time to return to the school and support Captain Starey at critical stages in the behaviour of the rebellious boys.

148. The evidence given by the managers themselves showed that in matters of general administration and finance, the managers at their monthly meetings fully performed their duties. Certain managers paid "snap" visits to the school from time to time, quite apart from the visits regularly required and made under Rule 10. Unfortunately these visits were not always entered in the appropriate record which accordingly contained gaps so far as concerns monthly visiting under Rule 10 (3). I am satisfied, however, that the managing body by one or other of its members made visits to Carlton School in excess of the statutory minimum of one a month. Frequent visitors were Captain Starey and Colonel Battcock, who with others possessing specialised knowledge interested themselves in the practical training provided by the school.

149. The managing body was, over the period investigated, inclined to leave too much to the sole discretion of the headmaster. The managers

delegated virtually all their statutory responsibilities for the licensing of boys at Carlton School to the headmaster. They freely acknowledged the delegation and the Chairman and Correspondent sought to defend strenuously the stand they took in the matter of leaving the question of licence to the headmaster. I heard the evidence of Mr. T. F. Tucker, Chairman of the Association of Managers of Approved Schools, on licensing. He has acquired over the years considerable working knowledge of the performance in various parts of the country of the function of managers of approved schools. Mr. Tucker convinced me that it was reasonable, bearing in mind Carlton School's own characteristics, to expect managers to observe the terms of Rule 40. The Carlton School managers contended sincerely that, in the time available to them and in the very nature of the boys received, no manager could possibly get to know the boys well enough to contribute anything useful to the decision on licensing. Whether or not that view is sound, I think they overlooked the beneficial effect on a boy of knowing and seeing that an outside independent judgement is being exercised. The headmaster appreciated the value of independent judgement in the eyes of the boys, for he said in evidence: "I, as it were, keep up the pretence that the managers are responsible for the licensing and therefore I do not tell a boy until after the managers' meeting whether he is to be licensed or not". The evidence as a whole demonstrated how much licensing means to a boy even in the unconstrained atmosphere of an approved school. In my opinion it is vital that the function of licensing should always be effectively exercised by the managers. The Carlton School managers through their counsel Mr. Hugh Berry at the close of the inquiry indicated that they were already considering ways and means to create a licensing procedure on a more personal basis.

150. I make the following recommendations in respect of the managers:—

- (1) they should take full advantage of opportunities of discussing common problems at gatherings and conferences of approved school managers ;
- (2) they should consider the advantage of issuing specific invitations to the regional inspectors of the Home Office to meet them from time to time when the managers feel there are points which might usefully be discussed with them ;
- (3) they should enter in the visitors' book all visits whether routine or casual as a matter of record ;
- (4) they should make determined and persistent efforts to bring Carlton School buildings up to modern standards by means of long-term planning. Some projects in the scheme of planning and within the capacity of the school's trade groups should form part of the arrangement for training in the particular group. Work beyond their capacity should be executed by outside contract as expenditure can be authorised.

151. If the managing body with the more broadly based representation now advised can actively engage in the task of licensing and can vigorously tackle the problem of ageing premises, then they will help to bring in reasonable time their school up to a standard well equal to that demanded



by a progressive society for the proper treatment of juvenile offenders. The community itself in my opinion should be ready to find the money for improvements at Carlton School if only as a payment on account of insurance against appearance later in the body of society of released criminal cells uncured when merely confined for a period in an approved school lacking complete remedial facilities.

152. It would be helpful if the Home Office could produce a handbook on approved school management, for handing to each manager: this could include a description of the approved school service, together with notes on the duties falling to managers and on other important considerations affecting their work such as their responsibilities to the boys, the procedure for initiating major building works, the estimating and finance procedures etc.

#### **The headmaster**

153. Under the Rules the headmaster is responsible to the managers, as stated in paragraph 18, for the efficient conduct of the school and for determining, with their approval, the duties of the staff. Inevitably, therefore, he must accept, by virtue of his position, a major responsibility for aspects of the school's administration and conduct which are held to have contributed to the disturbances and their underlying causes.

154. Mr. Price came to the post of headmaster of Carlton School in 1952 with the advantage of adequate and varied experience. After teaching in the ordinary educational service, he did duty as a teacher-housemaster in the Royal Philanthropic Society's senior approved school at Redhill and, later, from 1948 to 1952, was Warden of a new classifying approved school. His stewardship at Carlton School from 1952 until the discussion of the full inspection findings in October, 1957, has not been the subject of inquiry and what follows, except for a backward glance on a specific point of evidence, relates only to the subsequent period. It has been necessary at appropriate points in the report to deal incidentally with certain factors in the organisation and conduct of the school which must have weakened its inherent powers of resistance to the crisis of August last. However, it will make for convenience of reference if I now review briefly some of those factors in so far as they affect the headmaster. They include—the failure to give the staff all the leadership their difficult task required, for example in a matter as important as the school's policy on discipline; the absence of regular staff conferences, which should have assisted in meeting the need just mentioned and which would have given fuller opportunity for the staff to contribute their own ideas; the insufficient development of personal relations (paragraph 126); the lack of touch with certain developments in the school such as the unsettlement noticeable to others before the headmaster went on leave (paragraph 138); his mistaken judgment in his staffing dispositions when he actually went on leave, account being taken of his knowledge of the nucleus of extremely difficult boys in the school (paragraph 138); the defective handling of the case of the five boys returned to the school after a serious charge of violence towards another boy (paragraph 137); finally, the bad example of his lapses, though fortunately rare, into the forms of physical control already described.

155. Having drawn attention to what I regard as failings with a direct or indirect bearing on the subject of the inquiry, I feel bound to underline certain difficulties which handicapped the headmaster—over and above that presented by the nucleus of particularly difficult boys which affected most approved schools receiving seniors. It appears from the evidence that on his appointment he found a personal situation which must have added to his problem of settling in to the life and organisation of his new school. Certain staff relationship, which it is unnecessary to describe, undoubtedly presented the headmaster and managers with an embarrassing complication. The solution, too, appears to have entailed some embarrassing consequences. It is also the fact that he took up duty at a time of stringent economy (as did some other headmasters, of course). To these considerations must be added others: for example, those aspects of the management (including the matter of licensing) which swelled the headmaster's personal responsibilities: the lack of confidence which he had in the deputy's ability to carry out effectively the full range of a deputy's duties: and the unfortunate failure through no fault of the school to fill the second housemaster post. In concluding as I did in paragraph 145 (7) that the headmaster should be capable of making good the deficiencies in the organisation and control of the school, I had in mind the considerations just mentioned as well as the entries which are to be made in the balance sheet to the headmaster's credit. First and foremost among these is the generally effective performance of the school as judged by the "success rate" (paragraph 61): there was also every evidence at the inquiry that Mr. Price enjoyed the respect and confidence of his managers and staff, while Mr. Hadley made favourable reference, in evidence, to his general quality as a headmaster: nor could I overlook the views expressed by certain boys, that the headmaster had always been fair in his dealings with them, or by those who said that there was firmer control and discipline, in the proper sense, when he was at the school. I consider, too, that he was prepared to persist in coping with the problems set the school rather than seek the easy way out.

156. Before I leave the headmaster, it is necessary to touch on one final matter which seems to me to be vital for its bearing on the future. I considered it essential to pay particularly close attention to Mr. Price when he was in the witness box under questioning, in order to be able to learn something of the personality of the most important single figure in the hierarchy of Carlton School. I heard from other witnesses, too, evidence helpful to me in forming a reasonably reliable estimate of Mr. Price in his capacity as headmaster of a senior boys' approved school. My impression from what I saw and heard during the inquiry is that in the past Mr. Price has been rather too ready to construe suggestions designed to help the school as personal criticism, directed against himself in the administration of the school, and accordingly to adopt straightaway an unnecessary attitude of defence accompanied by a resistance to reasonable consideration of the ideas proffered. Mr. Price was and is entitled to uphold his own sincerely held convictions but even at his level a man in the position of leadership should be prepared to try out proposals applied successfully to similar problems elsewhere. Mr. Price's response to eminently sensible suggestions such as that on regular staff meetings was slightly hostile. In the effort to revive and reshape his school the headmaster will need to show clearly in my opinion a readiness, hitherto suppressed, to accept sound

ideas, whatever their source, likely to lead to rapid improvement and calculated to prevent a recurrence of disorderliness in Carlton School.

**Unruly and subversive boys and others unsuitable for approved school training**

157. Evidence heard at the inquiry showed that in the last two years there have been at Carlton School two instances at least of incipient mass defiance by the boys which were settled only by the prompt and skilful intervention of the headmaster. Some of the hard-core boys referred to in paragraph 51 were extremely variable in their behaviour; they veered readily from co-operation with masters to subversion of authority in the school, occasionally flaring up into fits of violence on comparatively slight provocation. A number of witnesses at the inquiry agreed that the August outbreak might well have been nipped in the bud if it had been feasible to extract promptly from the school a few strong personalities known by members of the staff to be exercising a markedly adverse influence. A major difficulty, it would appear, in the way of such removal is the limit on the extent to which troublesome boys can be passed on from school to school (assuming vacancies could be found in present circumstances). Reasonable use of transfer is justified in less extreme cases of boys searching for the fresh start which sometimes leads to happy results.

158. I formed the conclusion on the evidence and on the nature of a few of the boys questioned at the inquiry that the approved school service lacks an adequate sanction for dealing with the type of senior boy whose conduct disrupts or is calculated to disrupt the balance and discipline of an approved school. There are few such boys but they can do damage out of all proportion to their number. With proper sanctions available for use by a school, it is likely that still fewer boys would act in this way. It is clear that an establishment with little or no provision for secure custody and geared to training under open conditions must be seriously embarrassed and even put in danger, as at Carlton School in August last, of losing control entirely if the hard core of trouble-makers can lead the rest of the school into a state of near mutiny.

159. In my view there are two main requirements, not fulfilled by the law as it now stands, to ensure preservation of the orderly life of the approved school for senior boys. The first is for power enabling the police, as the nearest available agent of effective public control, to remove the unruly or subversive boy from the school somewhat on the analogy of section 27 (5) of the Criminal Justice Act, 1948 (which provides a juvenile court with means of sending an unruly young person on remand to a remand centre, or, pending the provision of such centres, to prison). In the case of an approved school, a much more expeditious procedure is essential for the school authorities to be ready at all times to cope with the problem of preserving internal order. The second requirement is the provision of means to place the boy in an establishment other than an approved school, appropriate to the individual problem, when the boy by his conduct or attitude in an approved school or classifying centre, has clearly demonstrated that he will not co-operate in school training. These are needs to which the Secretary of State and Parliament may feel that there are various possible answers. I think it essential, if the good work done in approved schools



is not to be jeopardised, that some effective answers should be found quickly.

160. The two main requirements set out in the preceding paragraph could be met in my view by the provision of the following powers:—

- (1) power for the grant of a warrant to the police to remove temporarily from an approved school to a remand centre, or, pending the availability of remand centres, to some other place affording secure custody, any young person named in the warrant who, in the view of the managers of the approved school of which he is a member (or a manager acting on their behalf), is so unruly or subversive as to threaten seriously the discipline and proper functioning of the school to the detriment of the training of the boys in it. The details of procedure are for consideration but one possibility would be for the warrant to be given by a manager countersigning a request by the headmaster and to be directed to a police officer of rank of sergeant or above. Any procedure involving delays by reference to a court or the seeking of a justice of the peace would defeat the prime object of prompt removal by the arm of the law. The temporary removal under warrant would give time for the case to be considered by the Secretary of State and for a final decision to be made as to the institution suitable for the youth's future training.
- (2) power for the Secretary of State to transfer (on the analogy of section 58 of the Children and Young Persons Act, 1933, and section 44 of the Prison Act, 1952) young people, if 15 years of age or over, from an approved school to Borstal or such other training institution outside the approved school service as may be or may become available for young people of this type, provided he is satisfied that further training in an approved school would be ineffective in the circumstances or nature of the individual youth or would be likely to be seriously detrimental to the training of others in the school.

Without some such sanctions for dealing quickly with the minority showing aggressive and subversive signs, the approved school, in the changed conditions of today, is being asked to do more than it should be reasonably expected to do, and many boys capable of deriving benefit from this form of non-penal training are likely to have their prospects of social rehabilitation very endangered.

161. The occasion for use of the foregoing suggested sanctions would be infrequent; the mere existence of the power for prompt action would be a useful lever in the system of control available to the headmaster of an approved school, and the need therefore of action would become even less frequent. One further legislative change would in my opinion give much help in dealing with certain types of delinquent youth and would reduce the need of recourse to the sanctions. At present, given certain statutory conditions, an offender in the group over 15 but under 17 years of age, considered by the court to require residential training, is ordinarily committed specifically to a defined form of training—for example detention centre, approved school, and if 16 years of age or over, Borstal. In most cases the court, assisted by reports from the probation service, remand home and other material sources, is able to decide with full assurance whether approved

school training will offer a suitable solution; and in such cases direct committal to approved school training is a reasonable process. Conversely, there must be times when the court, having considered all information available, and having concluded that residential training is necessary, remains in doubt whether approved school training is suitable in the particular case or whether provision for the needs of the case under the aegis of the Prison Commission would be more fitting. In that event, I think it would be helpful to the court, and to the youth eventually, if the court had the alternative power to make an order simply for residential training for an indeterminate period within a maximum detention period as legally defined. The court would then commit the youth to a classifying school for consideration, observation and report to the Secretary of State so that the latter might decide on the basis of the classifying school report whether training in an approved school should properly be undertaken. If this form of training was judged to be inappropriate in the light of the classifying school report, it would be for the Secretary of State, presumably after considering the comments of the Prison Commissioners, to determine what alternative to approved school training should be adopted. This process of committal for residential training in an establishment to be determined after thorough observation of the youth himself by the classifying school, would help to divert the potential adherent to the nucleus of hard-core cases, and the violent disrupter, from the stream of boys being committed by the courts to the approved school service. Some flexible arrangement on these lines, with the implicit reduction of the minimum Borstal age, only for that purpose and for that set out in paragraph 160 (2), from 16 to 15 years, would have obvious advantages in itself. At the same time, the power for the Secretary of State to effect transfers in accordance with the recommendation made in paragraph 160 (2) would provide a valuable safety valve and also enable a change to be made in the form of training at any stage in conformity with any significant change shown by a youth's reactions during training. Of course, power to transfer from Borstal to an approved school already exists.

#### **Staff—salaries—terms and conditions**

162. Reference having been made during the inquiry to the Reynolds Report, and to the machinery now existing for fixing the rates of remuneration of the professional staff, I consider it fitting that I should have regard to these and other related considerations affecting the staff. For teachers and trade instructors holding qualifications entitling them to the status of a qualified teacher, the Reynolds Committee had recommended the payment of the Burnham scale of salary applicable to teachers in primary and secondary schools, together with a special addition of three increments carried beyond the maximum of the scale. In the terms of the Reynolds Report, these additional increments were in recognition of the "general conditions of service in approved schools", including in particular the longer hours of work in approved schools, the shorter holidays, and the need for out-of-school activities. The Home Office, which then had responsibility for negotiating and fixing salaries, adopted and applied these recommendations of the Reynolds Report. The Reynolds Report also recommended a payment of £104 per annum for an average of 15 hours a week of extraneous duties, with a proportionately smaller amount for fewer hours. (Extraneous hours

in excess of a weekly average of 15 were not to attract any additional payment.) These recommendations too were applied.

163. The Joint Negotiating Committee, after superseding the Reynolds Committee for the negotiations of salaries and terms and conditions for teachers and instructors, increased the additional increments from three to four, adopted in its recommendations the successive increases in the Burnham scale and subsequently raised the extraneous duty allowance at various intervals (see paragraph 21). The same committee negotiated special scales for staff who were substantially though not fully qualified. The salaries, terms and conditions of the majority of the professional staff, or the "masters" as they may conveniently be called, were thus governed by this Joint Negotiating Committee. On the other hand, housemasters were dealt with in a different way and I wish to suggest that their case does need most careful and urgent consideration. Before doing so, however, I feel bound to say something about the terms and conditions of the professional staff generally, excluding housemasters.

164. There was some suggestion during the inquiry that the staff were generally underpaid and overworked. While this argument was not supported by any detailed analysis in respect of a normal period, I think it right I should deal with it, having regard to its bearing on the important question of recruitment—a question which is clearly relevant to the well-being of this and other schools, and, accordingly, to that extent within my general terms of reference. My conclusions on this point are prefaced by three preliminary observations. First, it is to be noted that during the disturbances and the succeeding weeks of re-establishment, and for some time during the staff holiday period before the outbreak of the trouble, the staff did formal duty beyond their normal primary and extraneous duty hours. Secondly, at all times, various members of staff, to their great credit, gave freely of their time to various games and activities such as cricket, football, athletics, choir, etc., in the same voluntary spirit as is observed in public and other residential schools. Thirdly, as is well known, there is no absolute finality where salaries, terms and conditions are concerned, and it is natural that they should be reviewed from time to time. Taking these observations into account, I am not convinced that, so far as concerns the majority of the professional staff, namely the teachers and instructors, the method of negotiating salaries, terms and conditions had any material bearing on the immediate conditions which were the subject of the inquiry nor did I feel that the salaries, terms and conditions so negotiated had proved insufficiently attractive, by current comparisons, for recruitment purposes. Indeed, the opportunities which I had for seeing the members of the staff left me with the general impression that there was much excellent material among their number and unremitting devotion to the objects of their work. Moreover, despite all the difficulties inherent in training the senior approved school boy and the unfortunate handicap of operating without the second housemaster, it seemed obvious to me that all or most of them derived great personal satisfaction from their work and found a fund of happiness in the school. The general bearing and appearance of those instructors who stated categorically that they were happy at Carlton School, left no doubt in my mind that they were so; nor am I unmindful of the teacher who volunteered that he was so happy that

he had avoided, of his own choice, applying for posts elsewhere which would have brought him promotion, though on appointment to Carlton School some five years before he had intended to stay perhaps only twelve months in order to gain additional experience. In general, there is, in my view, a good potential at Carlton School for an even more effective contribution in future, given imaginative leadership by the headmaster and a willingness, which I am sure will be forthcoming on the part of the managers, to release staff in turn for courses run or approved by the Home Office. (Evidence showed that in recent years the building instructor had been able to attend the Garnett College teacher-technique course and the housemaster a course organised by the Home Office Central Training Council in Child Care for senior staff in approved schools.)

165. I come back now to what is perhaps one of the most serious difficulties and one requiring urgent consideration, that is, the recruiting of suitable housemasters. The failure of the school to find a suitable man to fill the second authorised post of housemaster, despite the provision of a new house at a reasonable rent, undoubtedly added to the difficulties of running the school and of arranging staff holidays. I believe it is generally recognised that the numbers being trained in social work at the Universities are inadequate to meet the greatly expanded demand of the post-war years—a situation referred to by Mr. G. H. McConnell, Assistant Under Secretary of State. Considering the evidence in the light of this situation, I have concluded that the present salary scale (see paragraph 22) negotiated by the Standing Joint Advisory Committee is inadequate to attract and retain even a modicum of men holding recognised social service qualifications. Certainly such a salary scale can hardly be said to be consistent with the view expressed by the Reynolds Committee when housemasters were being introduced that their “remuneration should be sufficient to attract the best of candidates”. Moreover, having regard to the general shortage of qualified social workers, I incline strongly to the implications of Mr. Tucker’s evidence that the highest possible priority should be given to extending the kind of training for housemasters that has been carried on at Aycliffe Classifying School over the past two to three years, with the support of the Home Office, in collaboration with Durham University, and to expediting any additional facilities that may be necessary, such as the senior residential course which the Central Training Council have negotiated with Bristol University. Accordingly, I recommend that the Home Office should consider the extent to which such courses are needed to provide for an adequate number of trained housemasters and should enlist the aid of its Central Training Council, with all that Council’s experience of training, in making the necessary provision. At the same time, some means should be found to represent effectively to the appropriate negotiating committee the inadequacy of the present remuneration for attracting sufficient suitable housemaster applicants. I would think, too, that in a matter so important for recruitment as the determination of salaries, qualifications and conditions of service, consideration should be given to the advantages of the Home Office being represented by an observer at meetings of the negotiating committees for a substantial trial period. While he would presumably have no vote or veto, he should be able, when necessary, to put to the Committee considerations which the Home Office may feel have an important bearing on their deliberations, on the efficiency of the service, and on the pressing problem of recruitment.



#### Appointment of staff

166. I see no reason for recommending any fundamental change in the principle that the managers should be responsible for the appointment of staff, a function consistent with their responsibilities for the school. Nevertheless the part played by the deputy headmaster in the train of events at Carlton School, viewed in the light of the observations recorded in the second paragraph of the note of the meeting of inspectors with the managers on the 10th October, 1957, underlines how vitally a deputy's qualities of leadership can affect a residential establishment, charged with the grave responsibility of training approved school boys. In the absence of a headmaster, it is the deputy who must undertake the key role. If he cannot be relied upon to provide firm leadership and control, an undue strain is imposed on the headmaster and his staff, quite apart from the other obvious considerations. The headmaster will either fear to take his proper leave or take it fearfully. Staff, in the absence of the headmaster, will tend to lose confidence and the boys, who are acute to detect weaknesses, will take advantage. For these reasons, I would strongly recommend the amendment of the Approved School Rules so as to require that, as in the case of the headship, the appointment of any person as deputy shall not be made without the prior approval of the Secretary of State and that any vacancy for a deputy shall be advertised unless the managers obtain the consent of the Secretary of State to dispense with this requirement.

#### Relationship with the boys

167. Several aspects of the relationship with the boys have necessarily been discussed incidentally elsewhere in my report. It may, however, be convenient to assemble here some general views on the situation as it was and might be.

168. What I saw and heard during the inquiry and at my visits to the school left me with the general impression that for one reason or another the school had not managed to establish effective contact and communication with a number of the boys. I believe it was in part as a consequence of this that some boys failed to appreciate what the school was setting out to do for them and remained with some of their doubts and grievances unresolved. It was represented to me, and there was some evidence, that many of the boys did not readily confide in the masters—a situation which was especially noticeable when there were inquiries into suspected cases of bullying. It is difficult to judge with certainty but I consider that there is probably truth in this assertion. If this is so, there is all the more reason for adopting every possible means to foster relationships such as would help break through this barrier between staff and boys. I am quite sure that in the normal daily life of the school various members of the staff made efforts to this end, with varying success. Indeed, a number of boys referred to particular masters as friends to whom they would turn in trouble; and I have no reason to doubt that the headmaster made himself readily available about the school. There is, of course, no substitute for a healthy day-to-day relationship. However, useful supportive measures which might have been adopted or developed more systematically, as the case may be, include:—

- (i) A definite arrangement for all new boys to be seen by the headmaster at an early stage in the privacy of the boardroom

and preferably, too, by the monthly rota manager as had happened in some cases.

- (ii) A clear understanding by all members of staff, through discussion with the headmaster at staff meetings, regarding the course to follow in discussing with boys problems raised by them, outside the immediate craft or other activity falling to the member of staff concerned.
- (iii) House discussions, coupled with efforts to ensure that the house organisation shall play a more prominent part in the life of the school. The filling of the vacancy for the second housemaster would be helpful here but, in my view, the headmaster should not ignore the possibility of active help from other members of the staff working in association with the housemasters. One instructor, for example, very much regretted that loss of active responsibility for house matters had weakened his contact with boys outside his own trade group.
- (iv) An arrangement, which should be made well known to every boy admitted to the school, for boys to be quite sure of being able to see the headmaster privately on application. This would be in addition to the more casual opportunities for seeing him about the school.
- (v) Consideration of the possibility of devising some simple procedure for a boy to apply, if he so wished, to see a manager and for such application to be notified to the manager next visiting.

Consideration might be given to including the last two items in the Rules.

#### **Closed facilities**

169. I have recommended in paragraph 160 that there should be some way of removing quickly from the approved schools system senior boys who are unruly or subversive and have shown themselves quite unsuitable for approved school training. It would seem, however, that there may be some boys who though essentially not unsuitable for approved school training cannot be handled effectively for a time at least within the existing framework of the service. Really persistent absconders would probably be in this category. So too might certain boys who though they acted in an unruly manner on a particular occasion were yet not considered to be outside the scope of approved school training. The problem with such boys would be to hold them long enough for the training to begin to touch them. It is appreciated that this problem, which has been the subject of limited experiment (see paragraph 35), is not an easy one and that there are sincere differences of view among people of knowledge and experience in the work. Nevertheless, the practical difficulties are such today that I would recommend further consideration should be given urgently to the possible advantages of establishing a school or two, as may be necessary, with closed facilities, to which boys of the kind described may be sent. Senior boys proving too unruly or subversive even for the closed school to handle should, of course, be removed from the approved schools system altogether in accordance with the procedure previously recommended.

170. Many details would call for consideration in establishing such schools and determining their lay-out, régime and facilities, and the procedure for controlling admission, transfers etc. Secure confinement would



be used to the extent that it proved necessary in the light of the boys' response in the "closed" school and it should indeed be made as secure as possible without losing altogether the approved school atmosphere: provision would also be made presumably for a boy, once he achieved a suitable response, to live and work as far as possible without confinement as he would in an open school. In the latter event, there would be the further question in each individual case whether transfer should be arranged to an open school or whether in the particular circumstances (e.g. nearness to licensing) the boy should remain in the closed school until release on licence.

171. It is possible, too, that many of the schools which train boys of senior age might find it advantageous to have one or two secure rooms such as I understand are available at classifying approved schools ready for the separation of boys who suddenly become difficult to handle in what appears to be only a transient phase of conduct. These special rooms would be no substitute for the school with closed facilities or for the removal and transfer procedures already recommended for boys unsuitable for approved school training. They would, however, provide a useful means for the immediate separation, for quite short periods, of boys whose temporary segregation would be in their own or others' interest, pending their return to their normal place in the school or, where necessary, some other appropriate solution of the problem. Care would probably be needed to prevent the presence of this facility from damaging the normal open atmosphere of the school or becoming a challenge inviting conduct qualifying for its use.

#### Leisure time

172. Reference has been made in paragraph 59 to leisure-time activities and their range. There is no doubt that individual members of staff did some good work with the organised recreational and occupational groups and in addition gave voluntarily of their spare time to the school's leisure activities generally. It did appear, however, that there were times when the range of activities or the method of their organisation failed to ensure, for some boys, a stimulating and interesting use of their leisure. References to boredom were not, I think, without real foundation. Regard must be had to the difficulties. It was said, in my view with some justification, that a number of the boys were quite apathetic towards various of the outdoor activities and from my own observation they had the same attitude to some of the indoor pursuits. The lack of the second housemaster was an obvious handicap, while reference has been made already to the need for more common room space—a problem which I noticed was being tackled with much vigour by the trade departments at my visit to the school following the inquiry.

173. Whatever the circumstances have been in the past, I have no doubt that all concerned with the future of the school would wish to see a suitable extension of the evening and week-end activities. This would have the dual object of both catering for a wider range of interests and also keeping the groups reasonably small, apart from the occasions when an activity itself calls for larger grouping or for a corporate gathering (e.g. cinema night). I would also suggest that efforts should be renewed to devise more

effective means for ascertaining and meeting, in so far as may be reasonable and practicable, some of the boys' own wishes in this field.

174. Given adequate leisure rooms, the major difficulty is supervision and guidance. The arrival of the additional housemaster staff should help solve this problem. In order to give further easement it is suggested that if possible some suitable volunteers, able to offer an interesting hobby or activity, should be enlisted from nearby areas including Bedford itself, and their travelling expenses paid. Failing that, or in addition to it, a determined effort should be made to secure through the education authority the services of paid instructors or leaders—for example for the production of plays or the development of additional hobbies and activities generally—in order to supplement as necessary the contribution of the school staff and of any volunteers that may become available.

#### **Maintenance of an adequate number of approved school places**

175. It appeared that the margin of vacancies maintained by the Home Office against future contingencies in 1956, following the closure of a number of schools during the sharp decline in committals after 1951, did not prove adequate in itself to meet the very steep increases of the past couple of years. The contingent surplus, to which I have referred, was shown in Mr. McConnell's evidence, to be a substantial one, namely 2,055 vacancies for boys and girls, the population of the schools being at that time 6,672. Despite that, it proved inadequate to meet demands, without the temporary increases in certified numbers, to which reference has already been made, and the re-classification of certain junior schools which still had a considerable number of vacancies. The increase in the certified number at Carlton School from 86 to 96 was not excessive in the circumstances of pressure for places, especially as it had stood at 115 as recently as 1949. Nevertheless, this increase added to the school's problems and, in particular, led to some reduction in the standards of accommodation. It was stated by Mr. McConnell that efforts were being made to provide extra places as quickly as possible. It is recommended that special measures should be taken to secure as soon as may be an adequate number of places for restoring in boys' approved schools the normal standards of accommodation and the recognised margin of places necessary for ensuring fully effective classification.

#### **Name of approved schools**

176. In my view, it might help to ensure a more favourable initial re-action in the older boys and girls committed for training if the official title "approved school" could be replaced by something free from the imaginary stigma of returning to school at their age and the aroma which "approved" has by now acquired. It is not easy to find an alternative which seems completely satisfactory but "registered residential training centre" or "registered training institute" offer possibilities. Some such term would also better describe the purpose and function of the approved school, as being mainly a place for stabilising character and giving social training, with the normal concomitant of school education in the general sense. This is evident from that fact that release on licence rests on the attainment of personal and social stability, not on progress in school work.

### Expenditure

177. Application, by the Home Office, of the Government's decision regarding the need for strict economy, commencing some ten years ago so far as capital expenditure was concerned, imposed an obligation on managers to exercise great restraint in considering the needs of their schools. In the result there was no evidence that any major proposals of reconditioning or reconstruction were submitted by the Carlton School managers in recent years, until the schemes already mentioned which followed the invitation contained in the Home Office letter of 7th November, 1958 (paragraph 55). (The last major scheme completed was the excellent engineering shop immediately before the period of strict economy referred to. Some useful work was done, of course, by the boys as part of their building trades training.) This meant that large improvements which were very desirable to bring up to modern standards premises which had grown up spasmodically over very many years had unfortunately to be deferred. Now, however, that it has been possible to make a fresh start on what needs to be done, it is hoped that, in view of the vital nature of approved school work and the ultimate savings which its successes produce, adequate capital expenditure can be allowed for substantial improvements to be effected within a reasonable period. As suggested in paragraph 150 (4), the trade departments will no doubt be able to undertake some projects within the major scheme, but much will have to be done by contract if appreciable progress is to be made with reasonable speed. It is accordingly recommended that the adequacy of the capital expenditure allowed each year for Carlton School and any other approved school having premises in urgent need of modernisation and improvement should be considered as a matter of high priority.

178. As far as concerns the normal recurrent expenditure, the present system of annual estimates, approved by the Home Office after careful scrutiny, appears to be sound in principle. The same may be said, in general, of the "pro rata" allowances which give useful guidance, but it would be an advantage if greater flexibility could be encouraged in the matter of expenditure for such essentially variable items as evening and week-end activities. In particular, I consider that the camps allowance, discontinued as an economy measure some few years ago, should be restored. The attraction for many boys of camp life would go a long way towards counteracting the restlessness often experienced after home leave.

### Control of access, photographing, etc.

179. In view of the nature of approved schools and the difficult task they are called upon to perform, I think it right that the boys detained there under a court order should be protected from any visitors who by irresponsible conduct are likely to exercise an unsettling influence or offer a bad example. I believe that this is a matter which the Press can be relied upon to deal with in its own way in the light of these events. However, if any misguided section of the Press or other organisation were to repeat the kind of regrettable behaviour displayed by certain unidentified Press representatives at Carlton School, then it might be necessary to consider giving the approved schools explicit statutory protection from such people.

### Psychiatric facilities

180. Judging from the evidence given, considerable progress has been made in recent years with the provision of service to approved schools by visiting psychiatrists. While it seems clear that this facility, despite patient search, has been unprocurable within reasonable reach of Carlton School, the difficulty experienced in dealing with one or two cases of acute emotional disturbance recorded at the inquiry left no doubt that some psychiatric help would have been of value. It is accordingly recommended that renewed efforts should be made to secure the part-time services of a suitable psychiatrist and that an approach be made also at departmental level in view of the unavailing search of the past few years.

## IX—SUMMARY OF RECOMMENDATIONS

### A. GENERAL RECOMMENDATIONS REQUIRING LEGISLATION, INCLUDING AMENDMENT OF RULES

181. (1) Some form of statutory provision should be made urgently for facilitating the prompt temporary removal from an approved school of unruly or subversive youths, by the police, when this is necessary to avoid a serious threat to discipline (paragraph 160 (1)).

(2) In view of the emergence of a small but exceedingly difficult hard core of anti-authority young people and of the likelihood of this problem increasing, consideration should be given as soon as possible to statutory provision for removing from an approved school to Borstal or other suitable training institution any youth aged 15 years or over found to be unsuitable for approved school training or likely to exercise a seriously detrimental effect on the training of others in the school (paragraph 160 (2)).

(3) With the object of preventing as far as possible the committal of unsuitable cases to approved schools, consideration should be given to statutory provision for courts, when they are in doubt whether approved school training is the right remedy or whether training under the Prison Commission would be more appropriate, to commit young persons aged over 15 but under 17 years to "residential training" for the purpose of observation in a classifying school, and for ultimate allocation by the Secretary of State in the light of the classifying school's report (paragraph 161).

(4) The appointment of a deputy headmaster should be subject to the same conditions in the Rules as now apply to the appointment of a headmaster (paragraph 166).

(5) The desirability of changing the name "approved school" to some designation more consistent with its fundamental purpose of social and personal rehabilitation and less likely to inspire resentment in older boys should be considered (paragraph 176).

(6) Consideration should be given to the desirability of a statutory arrangement under the Rules for a boy to apply to see a manager if he so wishes and for such application to be notified to the manager next visiting the school (paragraph 168 (v)).

(7) There should be formal arrangements, whatever the casual opportunities, for boys to be quite sure of seeing the headmaster on



application. This could be safeguarded statutorily by requiring under the Rules that any such application should be notified to the headmaster (paragraph 168 (iv)).

#### B. GENERAL RECOMMENDATIONS NOT REQUIRING LEGISLATION

(8) There is need for urgent consideration of (i) the housemaster's scale of remuneration in the light of the inability of approved schools to recruit sufficient suitable people on the present terms and (ii) the advisability of extending housemaster training (paragraph 165).

(9) Consideration should be given to the desirability of the Home Office being represented, for a substantial trial period, at meetings of the salary negotiating bodies concerned with approved school professional staff, by an observer, without vote or veto but with power to offer observations (paragraph 165).

(10) The adequacy of capital expenditure for bringing the older approved schools such as Carlton School up to modern standards should be considered as a matter of high priority (paragraph 177).

(11) The establishment of one or more schools (as necessary) with closed facilities should be considered, for boys not essentially unsuitable for approved school training but who need to be held securely for a period in order to achieve progress with their training (paragraph 169).

(12) Consideration should be given to the desirability of having one or two secure rooms in schools training boys of senior age for the separation (for quite short periods) of boys who suddenly become very difficult and intractable for what appears to be only a transient phase of conduct (paragraph 171).

(13) It is urgently necessary to restore the margin of approved school places requisite for effective classification and further to expand accommodation to enable schools, in which numbers have been temporarily increased to meet the rapid surge in committals, to revert as soon as possible to normal standards of accommodation (paragraph 175).

(14) The "pro rata" allowances constitute a useful guide and a valuable method of controlling expenditure, but greater flexibility should be allowed in regard to essentially variable items such as evening and weekend activities. The camps allowance should be restored (paragraph 178).

(15) An official handbook should be available for individual managers, giving them information about the approved school service, their duties as managers, the financial arrangements, procedure for capital projects etc. (paragraph 152).

#### C. RECOMMENDATIONS SPECIFIC TO CARLTON SCHOOL

(16) Carlton School should be continued, with necessary improvements as recommended generally (paragraphs 145, 146).

(17) The managers should consider the incidents set out in Part V in the light of my findings, having due regard to the provisions of Rule 38, and decide what disciplinary action is necessary in any case.

(18) The managers should cast their net more widely in order to find more members able to take an adequate share in the duties of management (paragraph 145 (4)).

(19) There is need to foster closer personal relations in the school (paragraph 168).

(20) The vacancies in the staffing establishment should be filled as soon as possible and an additional post of housemaster be created (paragraph 144).

(21) The certified number should be reduced to 86, pending implementation of the recommendations relating to the staff complement, in view of the difficulties affecting the school (paragraph 146).

(22) Licensing should be brought effectively within the responsibility of the managers in accordance with Rule 40 and on as personal a basis as can reasonably be devised (paragraph 149).

(23) Staff meetings should be held regularly (paragraph 146 (3)).

(24) The school should work towards the objective of making the house organisation play a more prominent part in its life (paragraph 168 (iii)).

(25) Persistent efforts should be made by the managers to bring the school buildings up to modern standards (paragraph 150 (4)).

(26) The headmaster needs adequate and effective support at the level of deputy headmaster over the full range of a deputy's normal duties (paragraph 145 (7)).

(27) Further efforts should be made to secure the part-time services of a psychiatrist (paragraph 180).

(28) There is need for review of the recreational interests and activities with the object of building a more stimulating programme on the good work already done by individual members of the staff (paragraphs 172-174).

(29) All visits by managers to the school should be recorded (paragraph 150 (3)).

(30) The managers should take appropriate advantage of opportunities for attendance at gatherings and conferences of approved school managers, and generally for getting to know about the work of other approved schools (paragraph 150 (1)).

(31) The arrangements for outgoing mail should be reviewed (paragraph 118).

(32) The scheme of rewards and privileges should be reviewed (paragraph 119).

182. I wish to express my thanks to the Bedford County Council for the facilities afforded to me at the Shire Hall, Bedford, and to those members of the Council's staff who assisted me in various ways during the inquiry. I feel, too, that I must record my debt to the assessor, Mr. G. Revell, and to my secretary, Mr. G. H. Roberts. Mr. Revell's wide knowledge of the approved school service has been invaluable to me and he has carried out his functions as assessor with complete impartiality and with great zeal and competence. Mr. Roberts also has been of the greatest help to me and has discharged his duties throughout with conspicuous efficiency.

I am, Sir,

Your obedient Servant,

(Sgd.) VICTOR DURAND.

31st December, 1959.



## APPENDIX

### *List of Witnesses*

Mr. G. H. McConnell, Assistant Under Secretary of State, Home Office.  
Mr. W. H. Kelley, Inspector, Home Office Children's Department.  
Mr. A. B. Hadley, Inspector, Home Office Children's Department,  
Captain S. H. Starey, M.C., D.L., J.P., Chairman of the managers of Carlton School.  
Colonel G. A. Battcock, C.B.E., T.D., D.L., Correspondent and a manager of Carlton School.  
Mrs. Prunella Hanbury, a manager of Carlton School.  
Major M. Farrer, a manager of Carlton School.

The following members of the staff of Carlton School:—

Mr. L. W. Price, headmaster,  
Mr. W. Dickinson, deputy headmaster,  
Mr. F. A. Talbot, third in charge and assistant teacher,  
Mr. D. F. Henderson, assistant teacher,  
Mr. K. Lay-Flurrie, engineering instructor,  
Mr. H. E. Bullen, second engineering instructor,  
Mr. F. E. Carter, carpentry instructor,  
Mr. H. J. Bustin, gardening instructor,  
Mr. L. F. Flute, bakery instructor,  
Mr. J. S. Bancks, building instructor,  
Mr. D. Smith, farm bailiff,  
Mr. K. G. Elwell, housemaster,  
Mr. W. T. Mackenzie, clerk.

42 boys who were on the register of Carlton School at the time of the disturbance on 29th and 30th August, 1959 (boys Nos. \*2, \*7, \*10, 11, \*14, 15, 17, \*22, \*24, \*27, 29, 31, 35, \*37, 39, \*41, 42, \*43, \*48, \*50, 51, \*52, \*53, 55, \*57, \*59, \*61, \*65, \*66, \*69, \*71, 72, \*73, 74, \*75, \*76, \*78, \*80, \*85, \*86, \*90 and 96).

Mr. Talcott Williams.  
Mr. T. F. Tucker, Chairman, Association of Managers of Approved Schools.  
Mr. J. H. Clarke, Treasurer, Association of Headmasters, Headmistresses and Matrons of Approved Schools.  
Mr. F. A. Ebert, Hon. Secretary, National Association of Approved Schools' Staffs.  
Mr. J. R. Alexander, Headmaster, Mobberley School, Knolls Green, Knutsford, Cheshire.  
Police Constable G. Howat, Coventry City Police Force.  
The deputy headmaster of a residential special school.

### *Legal representatives*

Mr. T. H. K. Berry (instructed by Messrs. J. Garrard and Allen, Bedford), appeared on behalf of the managers of Carlton School.  
Mr. W. A. B. Forbes (instructed by Messrs. Mellows and Sons, Bedford) appeared on behalf of Mr. L. W. Price, headmaster of Carlton School.  
Mr. Gerald Gardiner, Q.C., and Mr. Curtis Raleigh (instructed by Messrs. Halliley and Morrison, Bedford) appeared on behalf of the assistant staff of Carlton School.  
Mr. E. F. Jowitt (instructed by Messrs. C. C. Bell and Son, Bedford) appeared for those boys denoted by the numbers marked\* in the list of witnesses.  
Mr. J. S. Eastwood (Messrs. Wilson and Wilson, Kettering) appeared on behalf of Mr. and Mrs. Talcott Williams.

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STATUTORY INSTRUMENTS

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1951 No. 1217

**CHILDREN AND YOUNG PERSONS**

**LOCAL AUTHORITY AND VOLUNTARY HOMES**

**The Administration of Children's Homes Regulations, 1951**

<i>Made - - - -</i>	<i>5th July, 1951</i>
<i>Laid before Parliament</i>	<i>7th July, 1951</i>
<i>Coming into Operation</i>	<i>1st September, 1951</i>

I hereby make the following Regulations in pursuance of subsection (4) of section fifteen of the Children Act, 1948(a), in so far as they relate to the exercise by local authorities of their functions under the said section, the conduct of homes provided thereunder and the securing of the welfare of the children in the homes and in pursuance of section thirty-one of the said Act in so far as they relate to the conduct of voluntary homes and the securing of the welfare of the children therein.

**PART I**

**LOCAL AUTHORITY HOMES AND VOLUNTARY HOMES**

*General principles of administration*

1. The administering authority shall make arrangements for every home provided, or as the case may be, carried on by them to be conducted in such a manner and on such principles as are calculated to secure the well-being of the children in the home.

*Visits by administering authority*

2.—(1) The administering authority shall make arrangements for the home to be visited at least once in every month by a person who shall satisfy himself whether the home is conducted in the interests of the well-being of the children and shall report to the administering authority upon his visit and shall enter in the record book referred to in paragraph 3 of the Schedule hereto his name and the date of his visit.

(2) Where the administering authority is a local authority the arrangements shall secure that the person visiting is a member of the children's committee of the local authority, a member of a sub-committee established by that committee or such officer or one of such officers of the local authority as may be designated by the arrangements.

*Person in charge of home*

3.—(1) The administering authority shall appoint a person to be in charge of the home:

Provided that where a person is in charge of the home immediately before these Regulations come into force that person shall be deemed to have been appointed to be in charge of the home under this paragraph.

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(a) 11 & 12 Geo. 6. c. 43.

(2) The person in charge of the home shall compile the records referred to in the Schedule to these Regulations and shall keep them at all times available for inspection by any person visiting the home under Regulation 2 of these Regulations and by any inspector appointed by the Secretary of State.

(3) The person in charge of the home shall be responsible for the custody of the medical record of each child and shall at all times keep them available to the medical officer, to any inspector appointed by the Secretary of State and to any person specifically authorised to inspect them by the administering authority.

#### *Religious instruction*

4. The administering authority shall secure that each child attends such religious services and receives such religious instruction as are appropriate to the religious persuasion to which he belongs and are practicable in all the circumstances of the case.

#### *Medical care*

5.—(1) The administering authority for each home which they provide or, as the case may be, carry on shall appoint a medical officer.

(2) The duties of the medical officer shall include—

- (i) the general supervision of the health of the children (excluding their dental health) ;
- (ii) the general supervision of the hygienic condition of the premises ;
- (iii) attendance at the home at regular intervals and with sufficient frequency to ensure that he is closely acquainted with the health of the children ;
- (iv) the examination of the children at regular intervals ;
- (v) the provision of such medical attention as may be necessary other than dental treatment ;
- (vi) the giving of advice to the person in charge of the home on any matters affecting the health of any of the children therein or the hygienic condition of the premises ;
- (vii) the supervision of the compilation of a medical record for each child accommodated in the home containing particulars of the medical history of the child before admission, so far as it is known, his physical and mental condition on admission, his medical history while accommodated in the home and his condition on discharge from the home.

(3) Notwithstanding anything in the preceding provisions of this Regulation the administering authority may appoint more than one medical officer and may divide the preceding duties among them as they see fit.

#### *Dental care*

6. The administering authority shall make suitable arrangements for the dental care of the children in the home.

#### *Notification of death, illness or accident*

7.—(1) Where the administering authority is a local authority that local authority, and in any other case the person in charge of the home, shall forthwith notify the Secretary of State—

- (i) of the death of any child in the home and of the relevant circumstances ;

(ii) if known to the local authority or, as the case may be, the person in charge, of the death of any child formerly in the home who dies within two months of ceasing to be in the home and of the relevant circumstances in so far as they can by reasonable enquiry be ascertained ;

(iii) of any outbreak among the children in the home under five years of age of infective gastro-enteritis and of any outbreak of any infectious disease among such children which the medical officer states to the person in charge of the home to be sufficiently serious to be so notified.

(2) Where the administering authority is a local authority that local authority, and in any other case the person in charge of the home, shall forthwith notify—

(i) the death of any child in the home and the relevant circumstances ;

(ii) any accident to any child in the home or illness from which such a child suffers which the medical officer states to the person in charge of the home as sufficiently serious to be so notified,

to the parent or guardian of the child and, if the child is in the care of a local authority, being a child as respects whom Part II of the Act applies, and that local authority is not the administering authority of the home, to the said local authority.

#### *Consultation with fire authority*

8. If the administering authority is not the fire authority within the meaning of the Fire Services Act, 1947(b), of the area in which the home is situated they shall consult the fire authority on fire precautions in the home.

#### *Fire drill*

9. The administering authority shall make arrangements to secure by means of fire drills and practices that the staff in the home, and so far as practicable the children, are well versed in the procedure for saving life in case of fire.

#### *Notification of outbreaks of fire*

10. The administering authority shall notify the Secretary of State forthwith of any outbreak of fire in the home necessitating the removal of any children from the home or that part of it in which fire breaks out.

#### *Punishment*

11.—(1) No corporal punishment except that authorised by paragraph (3) of this Regulation shall be administered by any person except the person in charge of the home or in his illness or absence his duly authorised deputy.

(2) No corporal punishment shall be administered to a girl who has attained the age of ten years or to a boy who has attained the age at which he is no longer required by law to attend school (hereafter referred to as "school leaving age").

(3) No corporal punishment shall be administered to a child under ten years of age except by smacking his hands with the bare hand of the person administering the punishment.

(4) No corporal punishment shall be administered to a boy who has attained the age of ten years but has not attained school leaving age except the caning of the posterior of the boy with a cane of a type approved by the Secretary of State applied over the boy's ordinary clothing to the extent of six strokes or less.

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(b) 10 & 11 Geo. 6, c. 41.

(5) No caning shall be administered in the presence of another child.

(6) No corporal punishment shall be administered, without the sanction of the medical officer for the home, to any child known to have any physical or mental disability.

## PART II

### ADDITIONAL PROVISIONS RELATING ONLY TO VOLUNTARY HOMES

#### *Limitation of numbers to be accommodated*

12.—(1) The Secretary of State may give directions to the persons carrying on a voluntary home limiting the number of children who may at any one time be accommodated in that home.

(2) Subsection (2) of section thirty-one of the Act (which provides for penalties for contravention or failure to comply with a Regulation) shall have effect in relation to this Regulation.

#### *Prohibition of certain clothing*

13.—(1) The Secretary of State may give directions to the persons carrying on a voluntary home prohibiting the provision for the children in that home or any of them of clothing specified in the directions.

(2) Subsection (2) of section thirty-one of the Act shall have effect in relation to this Regulation.

#### *Visits by parents or guardians*

14.—(1) The persons carrying on a voluntary home shall furnish to the Secretary of State on demand such information as he may from time to time require as to the facilities provided by them for the parents and guardians of children in the home to visit and communicate with those children, and shall comply with any directions given by the Secretary of State as to the provision of such facilities.

(2) Subsection (2) of section thirty-one of the Act shall have effect in relation to this Regulation.

#### *Change of persons in charge*

15. The persons carrying on a voluntary home shall forthwith give notice to the Secretary of State when a person in charge of a home ceases to be in charge of that home and of any new appointment after such cessation.

## PART III

### MISCELLANEOUS: EXTENT, INTERPRETATION, CITATION

#### *Exemptions for schools*

16. Where a school is established or maintained within a home by a local education authority under the Education Act, 1944(c), neither the function of inspection under Regulation 2 nor the duties of the person in charge of the home under Regulations 3 and 7, of the medical officer under Regulation 5, of the administering authority under Regulation 6 nor the provisions of Regulation 11 of these Regulations shall apply to the part of the home used as a school during that part of a day in which it is being so used or to any child during that part of a day in which he is attending the school.



#### *Application*

17. These Regulations apply to all homes provided by local authorities under section fifteen of the Act and voluntary homes except—

- (i) remand homes within the meaning of Part IV of the Children and Young Persons Act, 1933(d);
- (ii) approved probation hostels and approved probation homes within the meaning of section forty-six of the Criminal Justice Act, 1948(e); and
- (iii) any voluntary home which is, as a whole, subject to inspection by or under the authority of a government department otherwise than under the Children and Young Persons Act, 1933.

#### *Interpretation*

18.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the Children Act, 1948;

“administering authority” means the local authority providing or the persons carrying on a home, as the case may be;

“voluntary home” has the same meaning as in section ninety-two of the Children and Young Persons Act, 1933, as amended by section twenty-seven of the Act.

(2) The Interpretation Act, 1889(f), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

#### *Citation and Commencement*

19. These Regulations may be cited as the Administration of Children's Homes Regulations, 1951, and shall come into force on the first day of September, 1951.

*J. Chuter Ede,*  
One of His Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
5th July, 1951.

#### SCHEDULE

Regulation 3 (2)

The records to be kept under the provisions of paragraph (2) of Regulation 3 shall be—

1. A register in which shall be entered the date of admission and the date of discharge of every child accommodated in the home.
2. In homes accommodating more than twenty children a register indicating every day every child present in the home on that day.
3. A record book in which shall be recorded events of importance connected with the home.
4. A record of every fire practice or drill conducted in the home.
5. Records of the food provided for the children accommodated in the home in sufficient detail to enable any person inspecting the record to judge whether the dietary is satisfactory.
6. Where consultation under Regulation 8 has taken place a record of fire precautions agreed upon by the administering authority and the fire authority after such consultation as being practicable in and suitable to the circumstances of the home.
7. A punishment book in which shall be entered a record of all corporal punishment administered.

(d) 23 & 24 Geo. 5. c. 12.

(e) 11 & 12 Geo. 6. c. 58.

(f) 52 & 53 Vict. c. 63.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations deal with the conduct of children's homes provided by a local authority under section 15 of the Children Act, 1948, and of voluntary homes except homes which are remand homes, approved probation hostels, approved probation homes or voluntary homes subject to inspection otherwise than under the Children and Young Persons Act, 1933, by a government department.

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1951

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**Exhibit TLS 40**

**Extracts of Records from Haut de la Garenne**

DISCHARGE

CO/29

ACTION SHEET - CHILD DISCHARGED FROM CARE

Name of Child ..... d/b .....  
Date of Discharge ..... 1979 .....

ALL CASES

	<u>Initials</u>	<u>Date</u>
1) AMEND CARD INDEX	SJT	
2) INFORM HEALTH VISITOR	N/A	
3) INFORM SCHOOL	N/A	
4) INFORM SOCIAL SECURITY (Family Allowance Section)	N/A	
5) INFORM ACCOUNTS (Parental Contributions)	SJT	
6) MAKE BUFF FILE (unless supervision continuing)	N/A	

IN FOSTER HOME

- 1) Cease boarding out allowance
- 2) Note movement in boarding out register

ALL NECESSARY ACTION COMPLETED

Date ..... 1979 .....

  
.....  
Children's Officer



## CASE HISTORY

NAME: [REDACTED]  
 DATE OF BIRTH: [REDACTED] PLACE OF BIRTH: JERSEY MATERNITY  
 HOME ADDRESS: [REDACTED]  
 RELIGION: C. of E. BAPTISED: YES/NO  
 REASON FOR CARE: Breakdown in family relationships ARTICLE 8(1)  
 SCHOOLS: DATE SCHOOLS

DATE	[REDACTED]
------	------------

EMPLOYMENT: DATE EMPLOYER

DATE	EMPLOYER
------	----------

PARENTS:	FATHER	MOTHER
Name	[REDACTED]	[REDACTED]
Date & Place of Birth	[REDACTED]	[REDACTED]
Address if different from child	as above	as above
Employer	Self employed	N/A
Contact Tel. No.		

SIBLINGS:	NAMES	DATE and PLACE OF BIRTH
	[REDACTED]	[REDACTED]

DATE	PLACEMENT
[REDACTED] 77.	Admitted to H&T de la Garenne Children's Home, St. Martin, Jersey.
[REDACTED] 79	Discharged to [REDACTED] (K8)



CONFIDENTIAL

STATES OF JERSEY  
MEDICAL RECORD

Name of Establishment:—

*Hart de la Garenne*

Name: [REDACTED] Sex: [REDACTED] Date of Birth: [REDACTED]

Place in family: [REDACTED] Number in family: [REDACTED] Date of Admission: [REDACTED] 77

DEVELOPMENTAL HISTORY (where available)

Birth weight: .....  
Age of holding head up: .....  
sitting unsupported .....  
eruption of first tooth: .....  
talking — babble .....  
standing .....  
walking .....  
talking — words .....  
bowel control: .....  
bladder control .....  
talking — sentences .....

PREVIOUS MEDICAL HISTORY

Date

Whooping Cough .....  
Measles .....  
Scarlet Fever .....  
Other Illnesses:—

FAMILY HISTORY (important illnesses or defects)

Father .....  
Mother .....  
Siblings .....  
Others .....

PROPHYLAXIS (before and after admission)

Smallpox .....  
Diphtheria: *64 - 69* .....  
Whooping Cough: *64* .....  
Polio: *3 64 65 66 67 68 69* .....  
B.C.G.: *63* .....  
Tetanus: *64 - 69* .....  
*64 65 66 67 68 69*

Tuberculin Test:—

CONDITION ON ADMISSION

Appearance and demeanour: *clean 4 months* .....  
Cleanliness and general care .....  
Marks of injury or violence .....  
Skin and hair .....  
Stools .....  
Other observations .....

Temperature: .....



# GENERAL MEDICAL INSPECTIONS

✓ = normal. If condition cannot be noted briefly insert X and describe fully on opposite page. As child develops, data on front page should be completed. Weights and heights should be noted on back page.

Date .....	17			
Age .....	14			
General Condition .....				
Muscle Tone .....				
Skin and Hair .....				
Eyes .....				
Ears .....				
Teeth .....				
Nose .....				
Throat .....				
Glands .....				
Lungs .....				
Heart .....				
Abdomen .....				
Umbilicus .....				
Genitals .....	Menarche Aug 76 LMP 15 Feb			
Nervous System .....				
Skeletal System .....				
Bowel control .....				
Bladder control .....				
Anaemia .....				
Mental development .....				
Speech .....				
Other observations .....				
Medical Officer's Initials				

# CLINICAL NOTES

Record of illnesses and treatment: results of special examinations, including ophthalmic and dental: and notes on medical inspections. Immunisations to be noted on front page.

Date		M.O.'s Initials
5.5.77	Appt. with ophthalmic - no need to wear glasses no appt needed in future	
25.7.77	Not feeling very well. T/N. no sickness - to bed early. Remained home 26 <sup>th</sup> but feeling better	
15.8.77	Insect bite on Rt foot. Painful & itchy - Wasp eye applied	
21.9.77	1 Anadin for toothache	
9.1.78	% toothache - 1 Disprin given at bedtime	
17.1.78	School medical satisfactory	
12.2.78	Vomited 1/2 - ? overeating	
4.3.78	Not feeling very well - stomach upset - 1 Disprin given as necessary + Kachin & Morph	
9.3.78	2 days sick. Disprin + Kachin & Morph home & T/N. Still 1 hygienic to be built.	LOT
21.9.78	% Sore throat - 2 Disprin during the night	
17.10.78	Not feeling well T/N - Kachin & Morph given - vomited Stayed in bed.	Later
1.3.79	Attended Dental Clinic regards Dental Cleaning	
4.4.79	Dental appt. Rept.	
9.6.79	Benlylin for cough at bedtime	

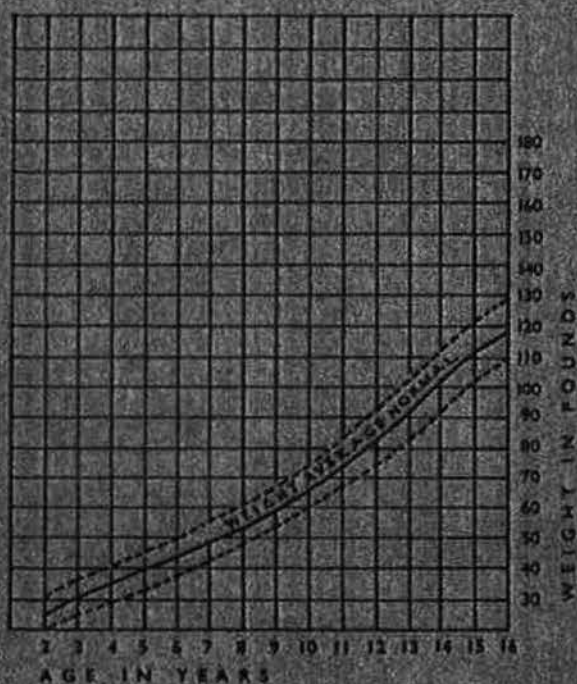
For further notes use Continuation Card.



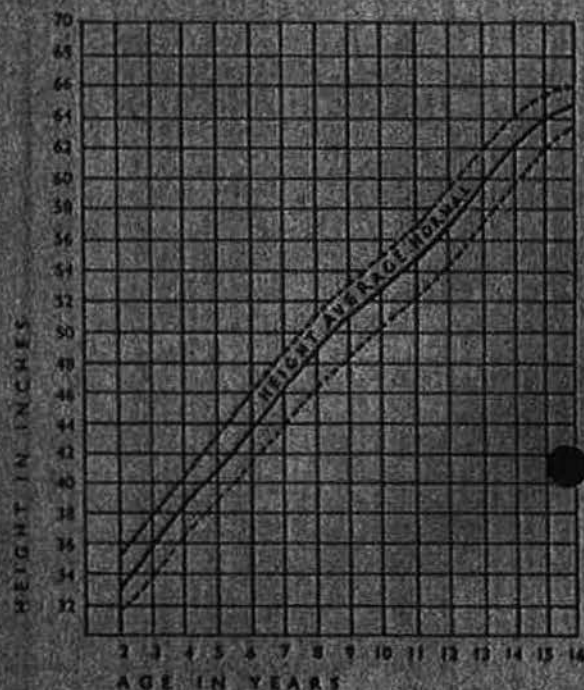
### WEIGHT AND HEIGHT RECORD

[illegible]

WEIGHTS (lb.)  
Girls (without clothes)



HEIGHTS  
Girls (without clothes)



### CONDITION ON DISCHARGE

Date.....

**Medical Officers**

## MEMORANDUM

To:-

A.J. Skinner Esq.,  
Senior Child Care  
Officer

From:-

[REDACTED],  
Superintendent  
Haut de la Caronne

For the attention of Mrs. M. Bird, C.C.O.

Date [REDACTED] 1979

re: [REDACTED]

Good news! [REDACTED] obtained six C.S.E.  
passes - four at Grade 1. Her results  
were:

English	Grade 1
French	" 1
Geography	" 1
History	" 1
Typing	" 2
Maths	" 3

[REDACTED]  
Superintendent

MEMORANDUM

To:- A.J. Skinner Esq.,  
Senior Child Care Officer

From:-

[REDACTED]  
Haut de la Garenne

For the attention of Pauline Horn, C.C.O.

Date ... [REDACTED] 1979

Re: [REDACTED]

This is to confirm our conversation. [REDACTED] went home overnight Saturday [REDACTED] 1979, as agreed and after Mother's verification has been obtained.

The upshot was [REDACTED]  
Her explanation was so involved and far-fetched, it could conceivably have been true!! In the event she lost her privilege for weekend 17th/18th March, 1979. [REDACTED] accepted the verdict.

[REDACTED]  
Superintendent

STATES OF JERSEY

EDUCATION COMMITTEE - CHILDREN'S SECTION

NAME OF CHILD

[REDACTED]

DATE OF VISIT

NAME OF VISITOR AND RELATIONSHIP TO CHILD

[REDACTED]	Visited	Most Evenings
15.9.77		Visited Parents
17.9.77		Out with [REDACTED] for day
18.9.77		" " " " " "
25.9.77		" " " " " "
1.10.77		" " " " " "
2.10.77		" " " " " "
8.10.77		Visited Parents & Out with [REDACTED]
9.10.77		Out with [REDACTED] for day
[REDACTED]	Visited	Most evenings
15.10.77		Out with [REDACTED] for day
16.10.77		" " " " " "
[REDACTED]	Visited	Most Evenings
22.10.77		Out with [REDACTED] for day
23.10.77		" " " " " "
[REDACTED]	Visited	Most Evenings
29.10.77		Out with [REDACTED] for day
30.10.77		" " " " " "



STATES OF JERSEY

EDUCATION COMMITTEE - CHILDREN'S SECTION

NAME OF CHILD

[REDACTED]

DATE OF VISIT

NAME OF VISITOR AND RELATIONSHIP TO CHILD

Boyfriend Visited most evenings

4.6.77

Out for day with [REDACTED]

5.6.77

" " " "

6.6.77

" " " "

7.6.77

[REDACTED] Visited

11.6.77

Out for day with [REDACTED]

Boyfriend Visited most evenings

18.6.77

Out in evening with boyfriend

19.6.77

" " " "

Boyfriend Visited

most evenings

24.6.77

Visited Parents 1 hr

25.6.77

[REDACTED] Visited evening

2.7.77

Out with Boyfriend (evening)

3.7.77

" " " "

(evening)

[REDACTED]

Visited

most evenings

8.7.77

Out for day with boyfriend

11.7.77

" "



NEW REFERRAL

SURNAME (and alternatives)

[REDACTED]

DATE

1/8/88

ADDRESS

[REDACTED]

REFERRED BY

P.C. Etienne

IS CLIENT AWARE OF REFERRAL?  
YES/NO

G.P.

CHILDREN

[REDACTED]

DATE OF BIRTH

[REDACTED]

SCHOOL/NURSERY

[REDACTED]

BRIEF DETAILS OF PROBLEM

South Hill Primary  
Wednesday August 10<sup>th</sup>  
Fishing rods etc with  
[REDACTED]

St. Clement - 7.30 -  
Saint Lawrence of

[REDACTED]

ACTION STATUS

Ann Newman  
Child Care Officer/Assistant

Seen by S.C.C.O.

Ad 1/8/88

Records  
Checked

✓

Known

✓

Old Card Retrieved  
and Amended

Previous Paperwork  
File Retrieved

✓

Referral Book

Ad 1/8/88

Photocopy

185

Not Known

New Card Made

1.8.88

Allocated To



NAME \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

## Date

78.

I visited Haut de la Garenne in order to introduce myself to \_\_\_\_\_ (see memo \_\_\_\_\_ 78).

\_\_\_\_\_ appears an attractive mature fifteen year old who initially settled down well at Haut de la Garenne. She has, however been increasingly unsettled over the past few months and now feels that she has outgrown the Children's Home. Although she wishes to stay on at school in order to gain C.S.E.'s, she would like to go to Camelot, Girls' Hostel as a schoolgirl.

I discussed this with her, pointing out the problems that might arise out of remaining a schoolgirl whilst in an essentially working girls' Hostel. She acknowledged these but is also aware that \_\_\_\_\_ (known to \_\_\_\_\_) is at the Hostel whilst still a pupil at St. Helier Girls' School, and realises that the problems are not insurmountable.

It would appear that her desire to move to the Girls' Hostel has largely arisen

\_\_\_\_\_ feels that things may then improve as far as \_\_\_\_\_ is concerned.

I told \_\_\_\_\_ that I would bear in mind her wish to move to the Girls' Hostel but would prefer to get to know her a little better before coming to such a decision. She appears to appreciate the dangers of a sudden transfer and accepts that if she is to move then it will be planned over the next few months.

78.

Saw \_\_\_\_\_ at Highlands. She has settled down quickly at school and appears to be working hard, intending to do well in her C.S.E.'s next year. She is an able bright girl who \_\_\_\_\_

\_\_\_\_\_ She is able to work well on her own and had put in a lot of extra work in order to achieve this. \_\_\_\_\_ still feels that she would be better away from Haut de la Garenne and complains that it is not always easy to work there with a lot of younger children around. I told her, however that I would make no hasty decision concerning her removal to the Hostel as too much would be at stake should the placement prove unsuccessful.

\_\_\_\_\_ presents herself as a very mature self-sufficient young lady and I feel that she would probably be well able to cope with the added independence that the Girls' Hostel would provide. I have discussed her with both \_\_\_\_\_ and they would endorse this.

At the moment, however until the situation re \_\_\_\_\_ and the Girls' Hostel is clarified I am lothe to suggest \_\_\_\_\_ as a candidate for Camelot. I have however tentatively discussed the situation with \_\_\_\_\_ Matron Girls' Hostel who would be quite prepared to accept another schoolgirl should the need arise.

78.

Saw \_\_\_\_\_ briefly at Haut de la Garenne. The situation in her group has improved somewhat since there has been a change of Staff and \_\_\_\_\_ appears more settled.



Sheet No. \_\_\_\_\_

NAME \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

Date  
contd. -

78.

She spoke to me about her relationship with [REDACTED] her ex-boyfriend, and the fact that she now continues to see him on a purely platonic basis. She does, however continue to go out with other boys but it appears that none of them match up to [REDACTED]

I later discussed [REDACTED] with [REDACTED] Haut de la Garenne. She feels that [REDACTED] is ready to move on to the Hostel and agrees that if [REDACTED] moves before [REDACTED] there is likely to be serious repercussions on [REDACTED] part. Agreed to keep [REDACTED] situation in cold storage until a final decision is reached concerning [REDACTED]

78

Telephone call from [REDACTED] had asked if she could return home for the weekend [REDACTED] 78 and her mother had telephoned to verify this arrangement. Agreed that permission should be given.

[REDACTED] has gradually renewed contact with her family over the past month and this has been encouraged. Her parents are very happy that regular contact should be maintained and the lack of this in the past has largely been on [REDACTED] part. Will arrange to contact Mr. and Mrs. [REDACTED] next week.

P. A. Horn.

C.C.O.



NAME \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

Date

Home visit to Mr. and Mrs. [redacted] and family at [redacted] Mrs. [redacted] impresses as a very tired, hard-working mother and her hearing defect does not aid conversation. The house itself is sparsely furnished, rather untidy and grubby and both younger boys, [redacted] and [redacted] were playing quite happily minus underpants/nappies, on what was rather a cold day. They appeared none the worse for this however and are both sturdy youngsters.

Mrs. [redacted] is a down-to-earth [redacted] woman from a large family in [redacted] and is obviously still very upset over [redacted] reception into care and placement at Haut de la Garenne. She was very anxious that I should know that she still cares very much for her daughter and is sad that they do not seem able to live together as a family. She acknowledges however that during the past eighteen months at Haut de la Garenne, [redacted] has grown away from the family and although they would wish to see more of her at weekends they do not envisage that she would wish to return home once a working girl.

[redacted] spent the previous weekend at home although Mrs. [redacted] feels that this was largely in order that she might spend more time with her boyfriend. There were no problems however at this time.

Mr. [redacted] continues to work as a [redacted] and is away for up to 10 days at a time on lengthy [redacted] trips. This does place the strain of bringing up the family on Mrs. [redacted]. They appear to cope adequately however.

79.

See referral concerning [redacted] and memo from Mr. R. Davenport. Contact to be made with Mr. and Mrs. [redacted] re preparation of a social enquiry report for Juvenile Court.

78.

Home visit to Mrs. [redacted] and [redacted] Mr. [redacted] was away on a [redacted] trip and it is likely that he will return before [redacted] appearance at Juvenile Court. Mrs. [redacted] told me that she had had a violent argument over finances when he had left on this trip and she is uncertain about whether he will return and whether indeed she wishes him to do so. It appears that he drinks heavily when back [redacted] and had hit her on this occasion and the Centenier had been called although the incident was being treated as a domestic dispute.

Mrs. [redacted] was extremely upset at this incident which does not appear to be the first and wished to consult an Advocate about her situation. I explained to her the system of legal aid and later contacted the Batonnier and arranged an appointment for her to see the Advocate dealing with legal aid. I do not feel however that Mrs. [redacted] will carry through any advice given, and this domestic situation will continue.

78.

Home visit to the [redacted] household and gave Mrs. [redacted] a lift to the Family Planning Clinic at the Maternity Hospital. There has been no word from Mr. [redacted] since he left on this trip although he usually phones the family each

*Pauline A. Horn*  
contd.



CHILDREN'S OFFICE

Background Report on:-

[redacted] d.o.b. [redacted]  
c/o Haut de la Garenne Children's Home, St. Martin

Father: [redacted]

Mother: [redacted]

Siblings: [redacted]

Religion: Protestant

[redacted] was born in Jersey on [redacted] and is a member of a family of [redacted] children, having [redacted]

Mr. and Mrs. [redacted] are both [redacted] and settled in Jersey almost immediately after getting married in [redacted]. The family at first lived at [redacted] from where they moved to [redacted]. They subsequently moved to [redacted] and finally from there to their present home at [redacted] some six years ago. Their home is a three-bedroomed States' house which is adequately furnished. It is quite obvious that Mr. and Mrs. [redacted] have quite a struggle to make ends meet, having a large family to support and so lack the money to spend on furnishings for the house and other such luxuries.

Mother

[redacted] is a [redacted] year old [redacted] woman who is [redacted]

Mrs. [redacted] was born in [redacted]. She left school at fifteen years and worked as a charge hand in a television factory. Mr. [redacted] came from the same part of [redacted] living only approximately ten miles away from her. They dated one another for some time, but after a quarrel Mr. [redacted] came to Jersey to work and Mrs. [redacted] went to the [redacted]. Before long Mrs. [redacted] joined her husband-to-be in Jersey, and they worked a summer season together before returning to [redacted] to get married on [redacted]. After the wedding, the couple returned to Jersey to set up home in the Island where they have remained since.

During her marriage Mrs. [redacted] has sometimes had to work, mainly on a part-time basis in order to supplement the family income. She seems to be a caring mother, who keeps the home conditions reasonable in terms of cleanliness.

Father

Mr. [redacted] is a [redacted] year old [redacted] and from what I can gather, is a heavy drinker who spends a large amount of his recreational time in his local pub. When he lived in [redacted] he worked as a coal miner, then when he came to [redacted] he drove coaches during the season and lorries in the winter time. For the last eight years he has worked as a [redacted] and has his own [redacted]. His job is obviously very dependant on weather conditions, and so he sometimes has to go back to [redacted] to supplement his income.

- Continued -



██████████ is a reasonably intelligent girl who started her school career at St. Brelade's School and then moved to Grouville School, and from there to St. Helier Girls' School.

Before she became a teenager, she was attending St. Joseph's, which is the local youth club. At the age of twelve she started going out with ██████████ her present boyfriend, who at this stage was sixteen years. Mr. and Mrs. ██████████ liked ██████████ and encouraged ██████████ to bring him home for meals etc. It would seem that ██████████ was allowed a considerable amount of freedom, being allowed out most nights until 10.30 - 11.00 p.m.

The Children's Department were not involved with this case until February of this year. On ██████████ 1977, whilst on weekend duty, I was called out to the ██████████ home by the Samaritans. ██████████ had quarrelled with her parents who had locked her out of the house and so ██████████ and ██████████ had gone to the Samaritans who then contacted our Department. On my arrival, ██████████ parents agreed to let ██████████ in, but even on this initial visit the rift between ██████████ and her parents was very noticeable. Further involvement with the family revealed that the relationship between ██████████ and her parents had deteriorated to such an extent that it would be in both her and her family's best interests if she had a break away from home. At this stage ██████████ was requesting to be moved and her parents were willing to give their permission.


It would seem that this breakdown in family relationships was caused by the fact that Mr. and Mrs. ██████████ felt that ██████████ was alienating herself from the family and using her home as a hotel. ██████████ on the other hand, who had by this time become very involved with her boyfriend, was feeling dissatisfied with her home conditions, having compared them with those of ██████████ parents who enjoy a higher standard of living.

██████████ and ██████████ were given a lot of freedom and eventually their relationship developed to the extent that they were seeing one another every evening and all day Saturday and Sunday. Eventually Mr. and Mrs. ██████████ began to resent this, and this in turn led to rows. Mr. ██████████ became jealous that another male had taken prime position in his eldest daughter's life, and Mrs. ██████████ became annoyed at the fact that ██████████ would not offer her help in the house willingly as she wanted to spend all her spare time with ██████████.

██████████ is apparently a member of a family of two children, and as I have previously stated, his parents would seem to be able to afford a higher standard of living than that of Mr. and Mrs. ██████████. ██████████ began to have meals at ██████████ house and would come back with tales of 'Black Forest Gateaux' etc., luxuries which the ██████████ can never afford. Mr. and Mrs. ██████████ were able to recognise this growing dissatisfaction in their daughter and were hurt by this fact in itself, which in turn, led to more rows.

The door remains open to ██████████ should she wish to return home and her parents would welcome more visits from their daughter. She only calls in to see them occasionally and does not stay long as ██████████ is usually with her and they are usually on their way out. This has increased Mr. and Mrs. ██████████ resentment towards ██████████ as they now feel that he is trying to take their daughter completely away from them.

I do not envisage ██████████ return home being a practical proposition at this stage, and it would seem that she will be a likely candidate for the Girl's Hostel on leaving school. Hopefully, as ██████████ matures, she will become more appreciative of her family's feelings and thus be able to live apart, but amicably, with them.

  
A. Ferguson (Mrs.)  
Child Care Officer



**Exhibit TLS 28**

**Haut de la Garenne: Rules for use of Secure Rooms**

**[REDACTED] Superintendent (undated)**

D 3907

HAUT DE LA GARENNE

RULES FOR USE OF SECURE ROOMS

1. No child of primary school age will be placed in a secure-room unless the circumstances are very exceptional (e.g. fire raising).
2. The maximum continuous period of confinement will be forty-eight hours UNLESS otherwise authorised by the Children's Officer and/or the Medical Officer accredited to the Home.
3. During the day, the senior member of staff on duty will accompany a member of the group staff who is the same sex as the young person being placed in secure accommodation. The young person will be given the opportunity to undress and shower in private in the accommodation provided and change into night attire. He will then be placed in secure accommodation after a discreet search by a staff-member of the same sex to make sure he does not have any matches, razor blades or other items that can cause injury or damage on him..
4. Suitable reading material can be issued on request or at the discretion of the senior member of staff.
5. In the event of a young person being violent, abusive, resisting and struggling etc., the senior member of staff will summon such help as possible from staff of the same sex as the young person, and take such measures as are reasonable to place the young person in secure accommodation in the manner prescribed in (3).
6. No male will be involved physically with a female or vice versa.
7. A detainee will be served the same meals and at approximately the same times as for other children in the Home, but plastic utensils and a spoon only will be issued.
8. During any period of confinement, a detainee will be showered each morning, allowed to the toilet as required, and, at discretion, allowed association and/or exercise in circumstances of a good supervision rate.
9. Detainees will be attended for (7) and (8) by a staff member of their own sex. Where a senior member of staff of the opposite sex is in attendance, they should be assisted by a staff member of the same sex as the detainee.
10. During the night, the night supervisor will normally have the discretion to act as the senior member of staff, obtaining such help as she considers necessary at the time.
11. However, in the event of a violent and distressful admission, the Superintendent or his Deputy MUST be contacted, and he may then summon MATRON at his discretion.
12. Medical advice is to be sought if it appears that any detainee is genuinely suicidal or claustrophobic or otherwise seriously disturbed mentally.
12. Where a detainee is quiet and co-operative he can be attended at the usual times or on request by the bell-system. If a detainee is causing anxiety for any reason, he will be checked at half-hourly or hourly intervals at the discretion of the senior member of staff according to the circumstance

13. Secure accommodation is NOT to be used to re-inforce school discipline.
14. In general, the use of secure accommodation is to be seen as not so much punitive but as an opportunity to isolate, settle and 're-build bridges' with a possibly hostile and unhappy young person. Its use should be sparing and brief in duration.

  
Superintendent.

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STATUTORY INSTRUMENTS

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1955 No. 1377

**CHILDREN AND YOUNG PERSONS**

**BOARDING-OUT**

**The Boarding-Out of Children Regulations, 1955**

*Made - - - - 1st September, 1955*

*Laid before Parliament 13th September, 1955*

*Coming into Operation 1st January, 1956*

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*Regulation*

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SCHEDULE.—FORM OF UNDERTAKING TO BE SIGNED BY  
FOSTER PARENT

In pursuance of the powers conferred upon me by section fourteen and subsection (3) of section thirty-three of, and sub-paragraph (1) of paragraph 4 of the Second Schedule to, the Children Act, 1948(a), I hereby make the following Regulations:—

PART I.—GENERAL

*Scope of the Regulations*

1.—(1) Subject to the provisions of paragraphs (2) and (3) of this Regulation, these Regulations shall apply to the boarding of a child—

(a) by a local authority in whose care the child is, or

(b) by a voluntary organisation in whose charge the child is otherwise than under an approved school order,

with foster parents to live in their dwelling as a member of their family, and the boarding of a child to which these Regulations apply as aforesaid is hereinafter referred to as “boarding-out”, and “board out” and “boarded out” shall be construed accordingly.

(2) For the purposes of these Regulations a child who is delivered into the care and possession of persons or a person proposing to adopt him under the Adoption Act, 1950(b), shall not be regarded as boarded out.

(3) For the purposes of these Regulations a child shall not be regarded as boarded out by reason only that he stays in the dwelling of any person for a holiday if—

(a) the period of his stay does not exceed twenty-one days, or

(b) he is sent there by a voluntary organisation in whose charge he temporarily is for the sole purpose of the arrangement of that holiday.

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(a) 11 & 12 Geo. 6. c. 43.

(b) 14 Geo. 6. c. 26.



(4) Nothing in these Regulations shall require, for the purpose only of complying with any provision thereof relating to a child before he is boarded out, his temporary removal from a household in which he is already living.

*Persons with whom children may be boarded out*

2. A child shall not be boarded out except with—

(a) a husband and wife jointly, or

(b) a woman, or

(c) a man who is a grandfather, uncle or elder brother of the child :

Provided that if while a child is boarded out his foster parent dies or a woman being his foster parent ceases to live in the household where the child is, nothing in this Regulation shall require the child's removal therefrom and he may be boarded out with the other spouse or with another suitable member of the same household, as the case may be.

*Restriction on boarding-out outside England and Wales*

3. A child shall not be boarded out outside England and Wales unless the special circumstances of his case make such boarding-out desirable, and if a child is boarded out outside England and Wales, steps shall be taken to ensure that the like requirements as are specified in Regulations 2, 7 and 8 and, as the case may be, Regulations 19, 21, 22 and 23 or Regulation 28 or Regulation 29 of these Regulations are observed in relation to that child as would have had to be observed under these Regulations if he were boarded out in England or Wales.

*Duty of placing authority to terminate boarding-out*

4. A care authority or voluntary organisation who have arranged the boarding-out of a child shall not allow him to remain boarded out with any foster parents if it appears that the boarding-out is no longer in his best interests.

*Power of supervising visitor to remove child*

5.—(1) Where a visitor whose duty it is under these Regulations to supervise the welfare of a child considers that the conditions in which he is boarded out endanger his health, safety or morals, that visitor may remove him from the foster parents forthwith.

(2) Where a child who is boarded out by a local authority with foster parents whose dwelling is outside the area of that authority is removed under paragraph (1) of this Regulation by a visitor of the care authority, the area authority shall forthwith be notified by the care authority of the reason why he was removed and, if the child is so removed by a visitor of the area authority who are performing any of the supervisory duties in respect of him under Regulation 13 of these Regulations, the care authority shall forthwith be given the like notification by the area authority.

(3) Where a child who is boarded out by a voluntary organisation is removed from foster parents under paragraph (1) of this Regulation by a visitor of the voluntary organisation, the area authority shall forthwith be notified by the organisation of the reason why he was removed and, if the child is so removed by a visitor of the area authority who are performing the supervisory duties in the place of that organisation under Regulation 14 of these Regulations, the voluntary organisation shall forthwith be given the like notification by the area authority.

*Medical examination before boarding-out*

6. Except in a case of emergency, a child shall not be boarded out with foster parents unless he has within three months before being placed with them been examined by a duly qualified medical practitioner and the practitioner has made a written report on the physical health and mental condition of the child.

*Medical examinations during boarding-out*

7.—(1) A local authority or voluntary organisation who arrange the boarding-out of a child shall ensure that he is examined by a duly qualified medical practitioner—

(a) within one month after being boarded out unless the child has attained the age of two years and has, under Regulation 6 of these Regulations, been so examined within three months before being boarded out; and

(b) at least once in every six months if he has not attained the age of two years or at least once a year if he has attained that age.

(2) Arrangements shall be made for a written report on the physical health and mental condition of the child to be made by the practitioner after each such examination as aforesaid.

*Arrangements for medical and dental attention*

8. Adequate arrangements shall be made for a child who is boarded out to receive medical and dental attention as required.

*Reports by visitors*

9. Whenever, in pursuance of these Regulations, a visitor sees a child who is boarded out, he shall after considering the welfare, health, conduct and progress of the child and any complaint made by or concerning him, make a written report about the child, and whenever a visitor so visits the dwelling of foster parents he shall make a written report about its condition.

*Case records to be kept by local authorities and voluntary organisations*

10.—(1) A local authority shall compile a case record in respect of—

(a) every child boarded out by them;

(b) every child boarded out by another local authority in respect of whom they perform any of the supervisory duties under Regulation 13 of these Regulations; and

(c) every child boarded out by a voluntary organisation in relation to whom they perform the supervisory duties;

and the said record shall be kept up-to-date.

(2) A voluntary organisation shall compile a case record in respect of every child boarded out by them and the said record shall be kept up-to-date.

(3) Every case record compiled under this Regulation shall be preserved for at least three years after the child to whom it relates has attained the age of eighteen years or has died before attaining that age, and shall be open to inspection at all reasonable times by any person duly authorised in that behalf by the Secretary of State.

*Registers to be kept by local authorities*

**11.**—(1) A local authority shall, in respect of every child boarded out in their area, whether by them or by another local authority or by a voluntary organisation, enter in a register to be kept for the purpose the particulars specified in paragraph (2) of this Regulation, and so much of the particulars specified in paragraph (3) of this Regulation as may be appropriate.

(2) The particulars to be so entered in the case of every such child are his name, sex, date of birth and religious persuasion, the name and religious persuasion of each foster parent and their address, the name of the authority or organisation by whom he is boarded out, the dates on which boarding-out on each occasion begins and ceases, and the reason why it ceases.

(3) There shall also be so entered—

(a) in the case of a child in respect of whom arrangements have been made under Regulation 13 of these Regulations, a note of those arrangements;

(b) in the case of a child in the care of a local authority boarded out by a voluntary organisation, the name of the care authority; and

(c) in the case of a child boarded out by a voluntary organisation in relation to whom the area authority are, under Regulation 14 of these Regulations, performing the supervisory duties, a note of that fact.

(4) Every register kept under this Regulation shall be preserved for at least five years after every child particulars about whom are entered therein has or would have attained the age of eighteen years, and shall be open to inspection at all reasonable times by any person duly authorised in that behalf by the Secretary of State.

*Information to be given to or by area authorities in certain circumstances*

**12.**—(1) Where a child who is boarded out with foster parents in the area of a local authority by another local authority or a voluntary organisation ceases to be boarded out in a household, the authority or organisation by whom the boarding-out was arranged shall inform the area authority thereof and of the date on which the boarding-out ceased, the reason why it ceased and whether it is intended to board out another child in that household.

(2) If, while a child is boarded out with foster parents in the area of a local authority by another local authority or a voluntary organisation, any reason becomes known to the area authority whereby it appears that boarding-out with those foster parents may have ceased to be in the best interests of the child, the care authority, or, as the case may be, the voluntary organisation shall be informed thereof forthwith.

*Arrangements in certain cases as regards children boarded out by one local authority in the area of another*

**13.** A care authority may make arrangements with an area authority, either in respect of a child boarded out by the one in the area of the other or generally in respect of all children who may from time to time be so boarded out, for the area authority to perform any of the supervisory duties and to furnish a report as often as may have been agreed on the welfare, health, conduct and progress of each child in respect of whom such arrangements have effect.

*Duty of local authority as regards children boarded out by voluntary organisations*

14.—(1) In this Regulation and in Regulation 15 of these Regulations a reference in relation to a voluntary organisation to the supervisory duties is a reference to those duties in respect of children boarded out by that voluntary organisation in the area of a particular local authority, and a reference to the voluntary organisation being in a position to discharge the supervisory duties is a reference to that organisation having the requisite facilities, and having made adequate arrangements, for the discharge of those duties in that area.

(2) It shall be the general duty of an area authority to satisfy themselves as regards any voluntary organisation having children boarded out in their area whether or not that organisation are in a position to discharge the supervisory duties, and if satisfied that they are not, the area authority shall, except as otherwise provided in these Regulations, perform the said duties and that organisation shall be relieved of those duties.

(3) As soon as may be after a voluntary organisation board out a child in the area of a local authority in which there is not already a child boarded out by that organisation the area authority shall, for the purpose of carrying out their duty under paragraph (2) of this Regulation, cause investigation to be made into, and shall consider, the question whether that organisation are in a position to discharge the supervisory duties, and for the said purpose, in any period during which that organisation continuously have any children boarded out in the area of that authority, shall cause investigation to be made into, and shall consider, the said question at least once in every three years.

(4) If while an area authority are performing the supervisory duties in the place of a voluntary organisation, they are satisfied that that organisation are in a position to discharge those duties, the area authority shall be relieved thereof as from such date as the organisation have notified the area authority as that upon which they will resume the discharge of those duties.

(5) Notwithstanding anything in paragraph (2) of this Regulation, an area authority shall not except with the written consent of a voluntary organisation take over from that organisation the supervisory duties until one month has elapsed after notice of their intention so to do has been sent to that organisation, and if within that period the area authority receive from that organisation a copy of representations made by them to the Secretary of State under the next following paragraph, they shall not take over the said duties unless the Secretary of State so directs under that paragraph.

(6) If a notice has under the last preceding paragraph been sent by an area authority to a voluntary organisation and that organisation are of opinion that they are in a position to discharge the supervisory duties, they may within the said period of one month make representations to that effect to the Secretary of State, and the Secretary of State, after considering those representations and any representations made to him on behalf of the area authority, may direct either that the organisation shall continue to discharge those duties or that the area authority shall, from such date as may be indicated in the direction, take them over, and the said duties shall continue to be discharged or be so taken over accordingly.

(7) If, after an area authority have under this Regulation performed the supervisory duties in the place of a voluntary organisation for a continuous period of not less than one year, that organisation are of opinion that they

are then in a position to discharge those duties, and the area authority, after representations to that effect have been made to them on behalf of that organisation, are not satisfied that that organisation are in such a position, the organisation may make representations to the Secretary of State accordingly ; and if the Secretary of State, after considering those representations and any representations made to him on behalf of the area authority, so directs, the organisation shall, from such date as may be indicated in the direction, resume the discharge of those duties and the area authority shall cease to perform them.

(8) Where an area authority take over the supervisory duties from a voluntary organisation, that organisation shall supply to the area authority full information about every child boarded out by them in the area of that authority.

(9) While an area authority perform the supervisory duties in the place of a voluntary organisation, the area authority shall supply to the organisation the information in every relevant case record compiled by them.

*Children in the care of a local authority who are boarded out by a voluntary organisation*

**15.**—(1) As soon as may be after a child who is in the care of a local authority and in the charge of a voluntary organisation is boarded out, the organisation shall notify that authority of the boarding-out and of the names and address of the foster parents, and as soon as may be after that child ceases to be boarded out with those foster parents, the organisation shall notify the authority of the reason therefor.

(2) Where such a child is boarded out with foster parents whose dwelling is outside the area of the care authority, and the area authority either—

(a) are, under Regulation 14 of these Regulations, for the time being performing the supervisory duties in the place of the organisation by whom he is boarded out ; or

(b) subsequently, while the child is so boarded out, take over those duties from that organisation,

notice of the facts shall forthwith after the boarding-out, or, as the case may be, when the area authority take over those duties, be sent by the area authority to the care authority.

(3) Where notice under the last preceding paragraph is received by a care authority, then, notwithstanding anything in paragraph (2) of Regulation 14 of these Regulations, so long as the area authority continue to perform the supervisory duties in the place of the organisation by whom the child is boarded out, these Regulations shall have effect as if he were boarded out by the care authority.

**PART II.—PROVISIONS APPLICABLE TO BOARDING-OUT FOR A PERIOD EXCEEDING EIGHT WEEKS**

*Application of Part II*

**16.** This Part of these Regulations shall have effect only with regard to the boarding-out of a child as a member of a household wherein he is expected to remain for a period exceeding eight weeks, or, as the case may require and subject to the proviso to Regulation 30 of these Regulations, he has remained for a period exceeding eight weeks.

*Prior visits to and reports about foster homes*

**17.**—(1) A child shall not be boarded out unless—

- (a) the foster parents and the dwelling where the child will live have been visited by a visitor who is personally acquainted with the child and his needs, or, when that is not practicable, by a visitor who has been fully informed thereof, and the visitor has reported in writing that the sleeping and living accommodation and other domestic conditions at the dwelling are satisfactory and that the household of the foster parents is likely to suit the particular needs of the child ;
- (b) information has been obtained by a visitor and a written report made by him—
  - (i) on the reputation and religious persuasion of the foster parents and their suitability in age, character, temperament and health to have the charge of the child,
  - (ii) as to whether any member of the foster parents' household is believed to be suffering from any physical or mental illness which might adversely affect the child or to have been convicted of any offence which would render it undesirable that the child should associate with him, and
  - (iii) on the number, sex and approximate age of the persons in that household ;
- (c) where a local authority propose to board out a child with foster parents whose dwelling is outside the area of that authority, and where a voluntary organisation propose to board out a child (except in either case if it is a matter of urgency or if within the preceding three months another child has been boarded out by them with those foster parents in that dwelling), the area authority have been asked to report within fourteen days if any reason is known to them why boarding-out with those foster parents might be detrimental to the child's welfare ; and
- (d) the available history of the child and the relevant reports indicate that boarding-out in that household would be in the best interests of the child.

(2) For the purposes of sub-paragraph (c) of paragraph (1) of this Regulation the area authority shall be notified of the name, sex, date of birth and religious persuasion of the child and the names and address of the foster parents.

*Particulars to be given to a local authority about children boarded out in their area*

**18.** Where—

- (a) a local authority board out a child with foster parents whose dwelling is outside the area of that authority ; or
- (b) where a voluntary organisation board out a child,

the authority or organisation, as the case may be, shall notify the area authority, as soon as may be, of any particulars not already sent to them which are required under Regulation 11 of these Regulations to be entered in a register.

*Religious persuasion*

**19.** Where possible a child shall be boarded out with foster parents who either are of the same religious persuasion as the child or give an undertaking that he will be brought up in that religious persuasion.



*Undertaking to be given by foster parents*

20.—(1) A local authority or voluntary organisation shall require foster parents to sign an undertaking in respect of any child boarded out with them in the form set out in the Schedule to these Regulations, or in a form to the like effect.

(2) The said undertaking shall be kept by the care authority or, as the case may be, the voluntary organisation, and a copy thereof shall be left with the foster parents.

*Visits during boarding-out*

21. A local authority or voluntary organisation who have arranged the boarding-out of a child shall ensure that a visitor sees the child and visits the dwelling of the foster parents—

- (a) within one month after the commencement of the boarding-out ;
- (b) thereafter as often as the welfare of the child requires, but not less often than—
  - (i) in the case of a child boarded out with foster parents in whose household he has been less than two years, if the child has not attained the age of five years, once in every six weeks, or, if he has attained that age, once in every two months, or
  - (ii) in the case of a child who has been in the household of the foster parents more than two years, once in every three months ;
- (c) within one month after any change of dwelling by the foster parents ;
- and
- (d) forthwith after the receipt of a complaint by or concerning the child, unless it appears that action thereon is unnecessary.

*Review of welfare, health, conduct and progress*

22.—(1) A local authority or voluntary organisation shall ensure that a review of the welfare, health, conduct and progress of every child who is boarded out by them is made in the light of the reports written about him in pursuance of these Regulations—

- (a) within three months after the child is placed with any foster parents ;
- and
- (b) thereafter, so long as he remains boarded out with those foster parents, as often as is expedient in the particular case, but not less often than once in every six months.

(2) The said review shall be made, so far as is practicable, by persons who do not usually act as visitors, and a note thereof shall be entered in the case record relating to the child, with particulars of any action recommended as a result.

*Special provisions as to children who have ceased to be of compulsory school age*

23.—(1) Nothing in Regulation 20 or 21 of these Regulations shall apply in relation to the boarding-out of a child who has ceased to be of compulsory school age.

(2) Where a child has already ceased to be of compulsory school age when boarded out with foster parents with whom he was not boarded out when he so ceased, the local authority or voluntary organisation who arrange the boarding-out shall require them to sign an undertaking in respect of him containing such parts of the form of undertaking set out in the Schedule to these Regulations, with or without modifications, as appear appropriate to his case.

(3) Where a child over compulsory school age is boarded out the local authority or voluntary organisation who have arranged the boarding-out shall ensure that a visitor sees the child—

- (a) (i) in the case of a child who is already boarded out when he ceases to be of compulsory school age, within three months after so ceasing, or
- (ii) in the case of a child who is already over that age when boarded out with foster parents, within one month after the commencement of the boarding-out ;
- (b) thereafter not less often than once in every three months ;
- (c) within one month after any change of dwelling by the foster parents ; and
- (d) forthwith after the receipt of a complaint by or concerning the child, unless it appears that action thereon is unnecessary.

**PART III.—PROVISIONS APPLICABLE TO BOARDING-OUT FOR A PERIOD  
EXPECTED NOT TO EXCEED EIGHT WEEKS IN ALL**

*Application of Part III*

**24.** This Part of these Regulations shall have effect only with regard to the boarding-out of a child as a member of a household wherein he is expected not to remain for a period exceeding eight weeks in all.

*Prior visits to and reports about foster homes*

**25.** A child shall not be boarded out unless the foster parents and the dwelling where the child will live have been visited by a visitor who has reported in writing that the boarding-out of the child with those foster parents would be suitable to the needs of the child for a period not exceeding eight weeks.

*Particulars to be given to a local authority about children boarded out in their area*

**26.** Where—

- (a) a local authority board out a child with foster parents whose dwelling is outside the area of that authority, or
- (b) a voluntary organisation board out a child,

the authority or organisation, as the case may be, shall notify the area authority as soon as may be of the fact that the child has been so boarded out and of the particulars required under Regulation 11 of these Regulations to be entered in a register.

*Undertaking to be given by foster parents or notification in lieu*

**27.** In the case of a child who is not over compulsory school age, a local authority or voluntary organisation shall either—

- (a) comply with the provisions of Regulation 20 of these Regulations as if that Regulation were included in this Part of these Regulations ; or
- (b) send a letter to the foster parents stating the religious persuasion of the child and specifying the obligations which they would have been required to undertake in respect of the child if the provisions of the said Regulation 20 had applied to the case.

*Visits during boarding-out*

**28.**—(1) A local authority or voluntary organisation who have arranged the boarding-out of a child who is not over compulsory school age shall ensure that a visitor sees the child and visits the dwelling of the foster parents—

- (a) within two weeks after the commencement of the boarding-out, and
- (b) thereafter not less often than once in every four weeks, and
- (c) forthwith after the receipt of a complaint by or concerning the child, unless it appears that action thereon is unnecessary.

(2) A local authority or voluntary organisation who have arranged the boarding-out of a child who is over compulsory school age shall ensure that a visitor sees the child—

- (a) within one month after the commencement of the boarding-out, and
- (b) forthwith after the receipt of a complaint by or concerning him, unless it appears that action thereon is unnecessary.

*Boarding-out at intervals with the same foster parents*

**29.** Where a child who is receiving full-time education has been boarded out with foster parents and within four months of ceasing to be boarded out with them is again boarded out with them, Regulations 6, 7, 25, 27 and 28 of these Regulations shall not apply to that boarding-out, but the local authority or voluntary organisation who arranged it shall ensure that a visitor sees the child and visits the dwelling of the foster parents—

- (a) within one month after the commencement of the boarding-out, and
- (b) forthwith after the receipt of a complaint by or concerning the child, unless it appears that action thereon is unnecessary.

*Provisions where boarding-out extends beyond eight weeks*

**30.** If, while this Part of these Regulations has effect with regard to a boarding-out, it becomes expedient that the child boarded out should remain for a period longer than eight weeks in all in the household of which he is already a member, then at the expiration of the said period this Part of these Regulations shall cease to have effect with regard thereto and the provisions of Part II thereof shall have effect as if the child were about to be, or, as the case may require, were, boarded out in that household in such circumstances that the said Part II applied, so however that anything done under this Part of these Regulations which satisfies any requirement of the said Part II shall be deemed to have been done thereunder:

Provided that, if it appears to the care authority, or, in the case of a child boarded out by a voluntary organisation, to the organisation, that the period in excess of eight weeks during which the child will remain boarded out as aforesaid will not exceed four weeks, then this Regulation shall not take effect until the expiration of that further period of four weeks.

**PART IV.—SUPPLEMENTARY**

*Transitional provisions*

**31.**—(1) Nothing in Regulation 2, in paragraph (1) of Regulation 15 or in Regulation 20 of these Regulations shall have effect in relation to the boarding-out of a child with foster parents with whom he is boarded out at the date when these Regulations come into operation, so long as he remains boarded out with them.

(2) Where at the date when these Regulations come into operation—

(a) a child is boarded out by a local authority with foster parents whose dwelling is in the area of another local authority and there are in force immediately before the said date administrative arrangements between those authorities made under Rule 18 of the Children and Young Persons (Boarding-Out) Rules, 1946(c), in respect of that child, those arrangements shall, so far as they are consistent with these Regulations, continue in force and have effect as if they were arrangements made under Regulation 13 of these Regulations;

(b) a child is boarded out—

(i) by a local authority with foster parents whose dwelling is outside the area of that authority, or

(ii) by a voluntary organisation,

the authority or organisation, as the case may be, shall within one month of the said date notify the area authority of the fact that the child is so boarded out and of the particulars required under Regulation 11 of these Regulations to be entered in a register.

(3) Notwithstanding anything in Regulation 14 of these Regulations, a local authority shall not take over from a voluntary organisation the supervisory duties except with the written consent of that organisation until the expiration of one year from the date when these Regulations come into operation, but, save as aforesaid, the said Regulation shall have effect as if any child boarded out by a voluntary organisation immediately before the said date had been first so boarded out on that date.

(4) Where, before the date when these Regulations come into operation, anything has been done under the Children and Young Persons (Boarding-Out) Rules, 1946, or is deemed by virtue of sub-paragraph (3) of paragraph 4 of the Second Schedule to the Children Act, 1948(d), to have been done under those Rules, it shall be deemed to have been done, so far as it could have been so done, under the corresponding provisions of these Regulations.

#### *Interpretation*

32.—(1) In these Regulations—

“area authority”, in relation to a child, means the local authority within whose area is the dwelling of the foster parents of that child;

“care authority”, in relation to a child, means a local authority—

(a) in whose care the child is under section one of the Children Act, 1948, either because he has been received into their care under that section or under subsection (4) of section six of that Act or by virtue of paragraph 1 of the Second Schedule to that Act, or

(b) to whose care as a fit person the child is committed under the Children and Young Persons Act, 1933(e),

and references to a child in the care of a local authority shall be construed accordingly;

“child” means a person under the age of eighteen years;

“foster parents” means persons or a person with whom a child is for the time being or is proposed to be boarded out;

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(c) S.R. & O. 1946/2083 (Rev. III, p. 764: 1946 I, p. 121).

(d) 11 & 12 Geo. 6. c. 43.

(e) 23 & 24 Geo. 5. c. 12.

“local authority” means the council of a county or county borough ;

“supervisory duties” means the duties imposed by Regulations 7 and 8 and, as the case may be, Regulations 21, 22 and 23 or Regulation 28 or Regulation 29 of these Regulations ;

“visitor” means a person carrying out on behalf of a local authority or voluntary organisation any of the duties under these Regulations to see children who are boarded out and to visit the homes of foster parents ;

“voluntary organisation” means a body whose activities are carried on otherwise than for profit, but does not include a public or local authority.

(2) The Interpretation Act, 1889(f), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

#### *Revocation*

33. The Children and Young Persons (Boarding-Out) Rules, 1946, are hereby revoked.

#### *Extent*

34. These Regulations shall not apply to Scotland.

#### *Citation and commencement*

35. These Regulations may be cited as the Boarding-Out of Children Regulations, 1955, and shall come into operation on the first day of January, 1956.

*G. Lloyd-George,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

1st September, 1955.

Regulations 20, 23 and 27 SCHEDULE

FORM OF UNDERTAKING TO BE SIGNED BY FOSTER PARENTS

We/I, A.B. [and B.B.], of \_\_\_\_\_ having on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, received from [the council  
of the county/county borough of \_\_\_\_\_ (hereinafter called  
“the council ”)] [*name of voluntary organisation* (hereinafter called “the  
organisation ”)] C.D., who was born on the \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_, and whose religious persuasion is \_\_\_\_\_, into our/my home as  
a member of our/my family undertake that—

1. We/I will care for C.D. and bring him/her up as we/I would a child of  
our/my own.

2. He/she will be brought up in, and will be encouraged to practise, his/her  
religion.

3. We/I will look after his/her health and consult a doctor whenever he/she  
is ill and will allow him/her to be medically examined at such times and places  
as [the council] [the organisation] may require.

4. We/I will inform [the council] [the organisation] immediately of any serious  
occurrence affecting the child.

5. We/I will at all times permit any person so authorised by the Secretary of  
State or by [the council] [the organisation] [or by the council of the county/  
county borough where we/I live] to see him/her and visit our/my home.

6. We/I will allow him/her to be removed from our/my home when so  
requested by a person authorised by [the council] [the organisation] [or by the  
council of the county/county borough where we/I live].

7. If we/I decide to move, we/I will notify the new address to [the council]  
[the organisation] before we/I go.

(Sgd.).....

(Sgd.).....

Dated.....



## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations replace the Rules revoked by Regulation 33. The Rules revoked applied only to the boarding of children with foster parents by local authorities: these Regulations apply to such boarding and also to the boarding of children with foster parents by voluntary organisations: they do not apply in the case of children boarded with persons proposing to adopt them under the Adoption Act, 1950, nor of children boarded out for a short holiday only, nor of children in the charge of voluntary organisations under approved school orders. Part I of the Regulations contains provisions applying generally, and, amongst other matters, it contains requirements as to the medical examination of each child, as to visitors and reports by visitors, as to records and other documents to be kept by the bodies responsible and as to the exchange in particular cases by different bodies of information about children boarded out. Part II contains provisions applying where the period of boarding-out exceeds eight weeks, and, amongst other matters, contains requirements as to the enquiries to be made before boarding-out, as to the undertaking to be given by foster parents and as to the frequency of visits. Part III contains provisions applying where the period is expected not to exceed eight weeks, and contains modified requirements regarding the matters dealt with in Part II.

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STATUTORY INSTRUMENTS

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1955 No. 1377

CHILDREN AND YOUNG PERSONS

BOARDING-OUT

The Boarding-Out of Children Regulations, 1955

LONDON :  
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1955

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**Exhibit TLS17**

**Children's Section First Annual Report 1959**

EDUCATION COMMITTEE. CHILDREN'S SECTION.

FIRST ANNUAL REPORT 1959.

The Children's Section has had an interesting year of gradual development. The majority of the children were, at the beginning of the year, in the three Children's Homes- The Home for Boys, the Home for Girls and the Creche. At the end of August The Home for Girls was closed and all the girls were transferred to the care of [REDACTED] at the newly formed Home for Boys and Girls. Certain structural alterations had been completed, but these were only intended to be of a temporary nature until more permanent arrangements could be effected. During the year 22 boys and 5 girls were admitted to the Children's Home, 3 boys and 2 girls moved up from Westaway Creche. Of these new admissions -

- 2 were Short Stay Cases.
- 2 came from break-down foster homes.
- 1 from a failure in residential employment. (He had been in Care before).
- 1 was committed by the Royal Court as being in need of care and protection.
- 1 was admitted from the Sacre Coeur Orphanage.
- 1 girl admitted on remand.
- 1 boy admitted on remand.
- 18 were admitted because of behaviour problems and difficulties in their own homes. (In the case of six children their difficulties have been aggravated by bad housing.)

27 total

22 children have left the Children's Home:-

- 11 children have been rehabilitated with their own families. ( In 4 cases this has been possible because of improved housing.)
  - 1 - 15 year old boy went to residential employment.
  - 1 - 16 year old boy boarded out with relations.
  - 1 - 15 year old girl boarded out with relations.
  - 1 - 17 year old boy found lodgings.
  - 1 - 6 year old boy boarded out.
  - 1 boy went for training on the 'Arethusa' Training Ship.
- 1 boy committed to an Approved School.
- 4 girls committed to an Approved School.

22 total

At the end of 1959 there were 67 children at the Home for

The summer holidays were quite eventful. [redacted] took a party of senior boys camping on the River Wye; [redacted] took a party of boys youth hosteling and climbing in Wales; [redacted] ran a very happy camp on a site behind the Atlantic Hotel, La Pulente. We had some student help from the Bingley Training College during the summer holidays. [redacted] took a party of girls to Oldham in Lancashire, where the Oldham Children's Officer gave them excellent hospitality in one of her homes.

At Westaway Creche there have been 24 admissions, 16 of these were Short Stay Cases and returned to their own families after their period at the Creche. They were in Care mainly because of illness of their mothers. 21 more permanent children have left the Creche during the year. 5 of these moved up to the Home for Boys and Girls. 6 have been rehabilitated with their own families, (in 4 cases this was possible because of improved housing conditions), 2 have been boarded out; 7 placed with prospective adopters; 1 admitted to a Special Home in England. At the end of December there were 13 children in the Creche.

I opened the Office in Colomberie Close on the 16th February, 1959 and immediately took over from the Health Visitors all the work in connection with adoption. During the year 12 unmarried mothers have sought advice and help; 16 prospective adopters have been interviewed and assessed; 6 babies from the Dispensary have been placed for adoption. The Education Committee has acted as Guardian ad Litem for the Royal Court in 15 adoption cases.

When I first took up my duties, I took over supervision of a small number of foster homes. By December 1959 32 Boarded-Out children were being supervised. People have been coming to the Office for all kinds of help and advice about their families and children; quite often about matrimonial difficulties and housing problems. Housing difficulties are very acute for some families. It has been possible to undertake a limited amount of family supervision. Over 600 visits have been made to the Office during the year; this figure includes members of Staff, Health Visitor and School Attendance Officer colleagues. Referrals have come direct and also from Constables, Headteachers and doctors. We have dealt with several enquiries from outside authorities, and in return have received help from various Children's Officers in England.

At the end of 1959 there was one Jersey boy in an Approved School in England and 8 girls. One girl on Approved School After-Care is being supervised in lodgings; one boy is receiving training on the Shaftesbury Society Arethusa Training Ship; one girl in the care of the Education Committee is at a Training Home in England; one physically handicapped girl is at a branch of the National Children's Home.

#### STAFF.

##### The Home for Boys and Girls.

[redacted] resigned as Assistant House-Mother and Assistant House-Father at the Home for Boys; [redacted] was appointed as Assistant House-Father, having completed the Home Office Residential Child Care Course; [redacted] and [redacted] have been appointed as Assistant House-Mothers; [redacted] has been re-designated as Deputy Superintendent; [redacted] has been appointed cook; [redacted] completed her duties with the Committee when the Home for Girls closed at the end of August.

##### The Children's Office.

Mrs. Paine was appointed as my first Secretary in February. She resigned for personal reasons in December, and Mrs. Vibert was then appointed. Miss E. Aveson was appointed as Child Care Officer and commenced duties on the 5th October.

In December the States approved an Act of the Education Committee setting out the future policy of the Children's Section. This stated that all the Boarding-Out would be undertaken by the Education Committee and that Family Group Homes would be opened.

A start has been made to get all the work for deprived children in Jersey under one administration. The need for Family Case Work is very great and also the need for co-ordination and a constructive plan for each child who comes into Care.

I should like to mention with gratitude the help and co-operation I have received during my first year on every side from members of staff, head teachers, Constables, the St. Helier Assistance Board, Court Officers and, last but certainly not least, the Staff of the Education Office.



**Exhibit TLS14**

**Children's Section Second Annual Report 1960**

EDUCATION COMMITTEE. CHILDREN'S SECTION.  
SECOND ANNUAL REPORT 1960.

During the second year of the Children's Section's life, considerable expansion has taken place. At the beginning of the year only a proportion of the Child Care work in the Island was being done, but during the course of the year it has been possible for the Child Care Staff to undertake gradually all branches of Child Care work in the Island.

The major development during 1960 has been the opening of the first Family Group Home, a States house at 46 Nicholson Park. [redacted] children of an age range from nine months to fourteen years, who were already in care of the Committee, moved into their new home on the 17th September, 1960.

Another important development during the year was the change of name of the Home for Boys and Girls. In March the States approved that the Children's Home should, in future, be called "Haut de la Garenne."

Children in the Care of the Committee.

At the beginning of 1960 there were:-

67 children at Haut de la Garenne.

13 children at Westaway Creche.

32 boarded-out children in the Island being supervised by the Children's Section.

112 children.

At the end of 1960 there were:-

50 children at Haut de la Garenne.

11 children at Westaway Creche.

[redacted] children at the Family Group Home.

97 children being supervised in foster homes.

14 working boys and girls in lodgings.

174 children.

Admissions to Haut de la Garenne were for the following reasons:-

Committed by the Royal Court as being in need of Care and Protection	...	...	...	...	...	...	1
Beyond control at Home. (Admitted on Constable's request)...	...	...	...	...	...	...	13
Remand from Royal Court	...	...	...	...	...	...	1
Mother's illness	...	...	...	...	...	...	5
Admitted from Sacre Coeur	...	...	...	...	...	...	2
							<u>22 total</u>

Admissions to Westaway Creche were for the following reasons:-

Mother's illness ... ..	30
Feeding & behaviour difficulties ... ..	2
Illegitimate ... ..	7
Parents in Prison ... ..	<u>1</u>
	40

It was possible to discharge children from Haut de la Garenne for the following reasons:-

To Training Home in England ... ..	1
To lodgings ... ..	7
Boarded out ... ..	5
Rehabilitated .. ...	17
Boys' Army .... ...	1
Indefatigable . ...	1
To Westaway Creche ... ..	1
To Approved School ... ..	1
To Family Group Home . ...	5
To Maison de la Martine . ...	<u>1</u>
	40

Children discharged from Westaway Creche:-

Rehabilitated. (Mainly short-stay cases)	35
Placed for adoption .....	4
Boarded out .....	2
Family Group Home .....	<u>1</u>
	42

During the year arrangements have been made for:-

- 1 boy to start training on the 'Indefatigable.'
- 1 boy still receiving training on the 'Arethusa.'
- 1 girl at special school run by National Children's Home.
- 3 girls have been at Voluntary Training Homes.
- 5 girls } At Approved Schools in England and with whom
- and } Child Care Officers are in touch.
- 2 boys }

#### Boarding-Out Rates.

In February the Children's Sub-Committee prepared a new scale of Boarding-Out Rates graded according to children's ages and giving foster-parents an inclusive sum for maintenance, clothing and pocket money. Members of the Children's Committee met the Constables, who agreed to the new scale, which came into operation on the 1st April, 1960.

#### Adoption Work & Work with Unmarried Mothers.

In April it was decided that the Child Care Staff should undertake Case work in connection with unmarried mothers. Most of this had previously been done in Jersey by the Matron of Elizabeth House.

During the year Casework has been done with 52 unmarried mothers. Of these 52:-

15 have kept their babies.

20 babies have been placed for adoption.

1 baby was received into Care.

2 babies died.

7 girls- Arrangements have been made for them in England.

7 cases pending.

52

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Children who have been placed for Adoption.

20 children have been placed with prospective adoptive parents.

Child Care Officers have investigated 18 applications from prospective adopters.

The Education Committee has acted as Guardian ad Litem for the Royal Court in 27 cases.

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Family Supervision.

Family supervision is playing an increasingly important part in our work. During the year we have had referrals from Constables, Centeniers and Heads of Schools. If Case work help can be given to a family it is so often possible to avoid a family breakdown and children subsequently coming into the Care of the Committee. Even when care is found to be necessary, careful casework with the child's own family can so often mean rehabilitation.

During the year 65 families have been receiving considerable supervision from Child Care Staff. This number of families represents a total of 198 children.

It is interesting to note that in 1959 over 600 people came, for some reason or other, to the Children's Office at Colomberie Close and in 1960. 1,601. visits were made to the office.

Holidays.

The children at 'Haut de la Garenne' had some exciting holidays. In August an exchange with a group of children from Shenley-in-Fields Cottage Homes, Birmingham, took place. A chartered 'plane brought 15 Birmingham children to Jersey and took back 15 of our children with

[REDACTED] Girlings Brake-Lining Factory sponsored the trip from the Birmingham end and arranged a full & interesting programme for our children, which included a visit to London, Stratford-on-Avon, Blenheim Palace and several large factories; but perhaps the highlight was the day when they were entertained to tea by the Lord Mayor in the Mayor's parlour. The Birmingham children thoroughly enjoyed their holiday in Jersey. The local Round Table & Soroptomists arranged outings for them and the President of the Education Committee spent a morning showing them the States Buildings and Royal Court and

[redacted] took a party of 11 boys for a fortnight to England. For a week they camped on his sister's farm in Rutland; they then spent the second week youth hostelling in London and seeing many of the famous sights. The children who did not go to England had a very happy camp with [redacted] at La Pulente in some of the best weather of the summer. We were fortunate in having some energetic student help during the summer holidays which proved a great success. In June a party from a Family Group Home in Oldham, Lancs. spent a happy fortnight at Westaway Creche. This was in return for the holiday which a party of our girls had had the previous year in Oldham.

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STAFF.

Children's Office, Colomberie Close.

Mr. R. Hacquoil was appointed as Child Care Officer in January 1960.

Miss M. Knight was appointed as Child Care Officer in May 1960.

Miss S. Picot was appointed as a shorthand-typist in February 1960.

Family Group Home.

[redacted] were appointed [redacted] for 46 Nicholson Park in August 1960.

Haut de la Garenne.

[redacted] resigned from their post as [redacted] in December 1960.

[redacted] resigned from the post of [redacted] on the occasion of his marriage in October.

[redacted] was appointed as [redacted] in September.

[redacted] were married during the course of the year.

Westaway Creche.

[redacted] and [redacted] Nursery Nurses, resigned in September, and were replaced by [redacted] and [redacted]

Refresher Courses.

Both [redacted] and [redacted] attended a Refresher Course in Residential Child Care run by the Home Office during the year.

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During 1960 some of the Child Care Policy of the Education Committee has been brought to fruition. There is still a great deal to be done - the new Children's Legislation which is in the process of being drafted; major adaptations to Haut de la Garenne; the opening of further Family Group Homes and more foster-homes to be found.

Before closing the Report, I should like to express my appreciation for the help and co-operation all the Child Care Staff have received from the Constables and Parish officials, the St. Helier Assistance Board, from the Heads of Schools, from the Staff of the Medical Office of Health, from the Child Guidance Clinic and from our colleagues at the Education Office.

Patricia L. Thornton,  
Children's Officer.



**Exhibit TLS19**

**Children's Section Annual Report 1961**

## CHILDREN'S SECTION

## THIRD ANNUAL REPORT - 1961.

The third year of the Children's Section life has been a busy and active one, and has seen the development of some of the Child Care plans for the Island.

Much of the major activity during the year has been at Haut de la Garenne. [redacted] nobly looked after the Children's Home in January, during the interregnum between Superintendents.

[redacted] came as Superintendent and Matron in February from the Church of England Children's Society Reception Centre. Mr [redacted] year's activities [redacted] should like to place on record that a great deal has been achieved with the children at Haut de la Garenne.

[redacted] with their Family Group Home at 46, Nicholson Park have had a happy year of steady progress. The children who joined them in September 1960 are now very much welded into a family. The eldest boy joined the [redacted] in September 1961, but spends his holidays at 46, Nicholson [redacted] and writes regularly to [redacted] A baby from the Creche joined the family in December 1961. In August an exchange holiday took place with an [redacted] Family Group Home. We were pleased that our first Family Group Exchange Holiday should be with one of [redacted] the [redacted] Homes. Our children stayed at Hayward's Heath, they were able to explore London as well as the surrounding countryside. The East Sussex children very much enjoyed Jersey.

A new event in 1961 was the first Foster Parents Get Together, which was held in February at the Pomme d'Or. The Foster Parents much appreciated being able to meet the Committee and meet each other. A film "Family Affair" on Boarding Out was shown and the Chairman of the Children's Sub Committee and the Children's Officer spoke briefly to the Foster Parents.

## CHILDREN IN THE CARE OF THE COMMITTEE.

At the end of 1961 there were:-

- 43 Children at Haut de la Garenne.  
17 Children at Westaway Creche.  
113 Children in Foster Homes  
12 Working Boys and Girls in Lodgings.  
[redacted] Children in the Family Group Home.

A proportion of the boarded out children are privately placed and paid for by their own parents.

In addition, there are a number of children receiving close supervision in their own homes.

Some interesting things that have happened this year are that one boy who left the "Arethusa" with a very good report is now doing Radio Officer's Training at Plymouth Technical College. One girl from a Foster Home who was a scholar of the Girls' College joined the W.R.A.F.

The disabled [redacted] who was at the National Children's Homes, Alvestoke unfortunately died after an operation in the summer.

Admissions to Haut de la Garenne were for the following reasons:-

Committed by the Royal Court as being in need of Care and Protection ... ..	6
Remanded by the Royal Court ... ..	5
Admitted because of mother's ill health ... ..	13
Deserted on the Island ... ..	5
Foster Home breakdowns ... ..	3
Lodgings breakdown ... ..	4
Admitted from Sacre Coeur ... ..	1
Beyond Control at Home admitted on Constable's request	4
Up from the Creche ... ..	1
	<u>42 total</u>

Admissions to the Westaway Creche were for the following reasons:

Because of mother's ill health ... ..	51
Mother's desertion ... ..	6
Housing difficulties ... ..	2
Illegitimate babies ... ..	6
	<u>65 total</u>

Children were discharged from Haut de la Garenne for the following reasons:

Boarded out ... ..	4
Lodgings ... ..	4
Residential Job ... ..	1
Rehabilitated with their own families ..	27
Approved School ... ..	2
Probation Hostel in England ... ..	1
Maladjusted Hostel for boys ... ..	1
Training Home for Girls ... ..	1
Boys' Army ... ..	1
St. Saviours Maison de la Martine ... ..	1
	<u>43 total</u>

Discharges from Westawy Creche were for the following reasons:

Boarded out ... ..	1
Placed with prospective adopters ... ..	2
Rehabilitated with their own families ... ..	53
Placed with Relatives ... ..	1
Church of England Children's Society ... ..	1
46 Nicholson Park ... ..	1
Haut de la Garenne ... ..	1
Died ... ..	1
	<u>61 total</u>

- 3 -

It must be pointed out that many of the children who were rehabilitated were only in the care of the Committee for a short period of time.

Child Care Officers are in touch with three girls who are at Approved Schools in England and four girls who are at Training Homes in England. After Care work is being undertaken with four young people from Approved Schools.

#### ADOPTION WORK WITH UNMARRIED MOTHER.

There has been an increase in this work during the year. An Appendix is attached, giving details of the work with Unmarried Mothers. It is very encouraging that 50 per cent of the babies who have been born are being kept by their own mothers. 19 have gone to adopters, and only a very small proportion are in residential care for observation pending other arrangements being made for them.

The Education Committee has acted as Guardian ad Litem in 22 Adoption cases at the Royal Court. During the year 9 babies have been placed with prospective adopters in Guernsey. This has been made possible because Guernsey passed her first Adoption Law at the beginning of the year. The Guernsey Authorities have been most helpful with this adoption work.

#### FAMILY SUPERVISION

The Child Care staff have continued to do a considerable amount of Family Supervision. More could be done in this way, but the pressure of work has not always allowed it. Referrals have come from the Heads of schools, Constables, Centeniers and Doctors, as well as the clients themselves often coming for help. 1,346 visits have been made to the office, Colomberie Close.

#### STAFF

##### Children's Office, Colomberie Close.

Mr. Reginald Hacquoil, who joined us as a Child Care Officer in January 1961 retired in December 1961. Unfortunately he was ill for two months before retirement. Mr. Hacquoil has made a very real contribution to the work of Child Care in Jersey. His great knowledge of Jersey and of so many of the families with whom we work was of tremendous value. He is missed by his colleagues, by his foster parents and his boys. We shall always remember his warmth helpfulness and sense of fun. We know that he will continue to take an interest in his lads and families and we all wish him well in his retirement.

Mrs. Vibert, Children's Officer's Secretary left during the year for personal reasons she was replaced by Mrs. L. Larbaletier.

Miss Picot, Shorthand/Typist transferred to the Viscount's Department and she was replaced by Miss K. Skinner.

At Christmas a happy event took place when one of our Child Care Officers Miss M. Knight married Mr. R. Burnell.

In December Miss E. Aveson was re-designated Assistant Children's Officer.

Haut de la Garenne.

I have already mentioned [redacted] appointment as Superintendent and Matron in February 1961. We were pleased to welcome back Mr. S. Hawes as Resident House Father with [redacted] who is also now working at Haut de la Garenne as Resident House Mother.

[redacted] who has done the Residential Child Care Course was appointed as Resident House Mother in May.

[redacted] and [redacted] have been appointed as Resident Assistant House Parents and [redacted] as Resident Cook.

[redacted] our cook, resigned on reaching retiring age.

[redacted] and [redacted] both resigned from their House Parents post during the year.

Westaway Creche.

[redacted] and [redacted] have been appointed during the year as Nursery Nurses replacing [redacted] and [redacted]

1961 has been a year of steady progress but there is still a great deal to be done. We hope that with additional child care staff more case work help can be given to families in need.

When the adaptations are completed at Haut de la Garenne we can cope better with the many problems that face us and we hope soon to see the opening of further Family Group Homes and the coming into being of the new Children's Legislation.

In closing I should again like to express my appreciation for the help and co-operation that the Child Care Staff have received from the Constables and Parish officials, from the St. Helier Assistance Board, the Heads of schools the staff of the Medical Officer of Health, the Child Guidance Clinic and all our colleagues at the Education Office.

P.L. THORNTON.

Children's Officer.

**Exhibit TLS20**

**Children's Section Annual Report 1962**



STATES OF JERSEY. EDUCATION COMMITTEE.

CHILDREN'S SECTION.

FOURTH ANNUAL REPORT - 1962.

The Child Care Section of the Education Committee has had another very active year. It is a great joy that at Haut de la Garenne the main adaptations have been carried out and we are most grateful for the interest the States Engineer has taken in this work.

As will be seen from the figures, there has been considerable movement of children both at Haut de la Garenne and Westaway Creche. We have received many more children into our care because of behaviour problems in their own homes, the fact that we are able to help them at Haut de la Garenne, rather than send them away to England to Approved Schools or Schools for Maladjusted Children, is encouraging.

It does mean, however, that [redacted] and their staff have a very busy and exacting job, the fact that so many children are making such strides is a great credit to them. This year one girl from Haut de la Garenne won an open scholarship to the Jersey College for Girls.

Another baby joined [redacted] "family" at 46, Nicholson Park early last year, the eldest boy having completed his training on the [redacted] We were honoured by a visit from Lady Erskine to this home in April.

The second Foster Parents Get Together was held in May at the Pomme D'Or Hotel, as well as seeing films on children's behaviour, the foster parents were shown some delightful slides on the Dutch bulb fields by the Constable of St. Ouen. The foster parents very much appreciated the opportunity of meeting members of the Committee and the Child Care Staff at this social gathering.

CHILDREN IN THE CARE OF THE EDUCATION COMMITTEE ON THE 31st. December, 1962.

This year, as is done in Great Britain, I have broken down the figures so that it can be seen how many children we are caring for in each age group:-

	2	2 - 6	6 - 15	15 and over	TOTAL.
Foster Homes	9	11	41	12	72
Beddings & Hostel				19	19
Family Group Home					
Haut de la Garenne	0	2	55	3	60
Westaway Creche	9	9	1		19
Other residential placements including Boys Army & Merchant Sea			2	10	12

This shows that we have three children in care per thousand of the population. The average in Great Britain is 1.3 per thousand. We, of course, do demand work whilst in Great Britain there are separate Remand Homes and we are caring for some children who would otherwise need Approved School training. The number we have in Approved Schools in England is comparatively small. On the 31st.

December, 1962, we had four boys and three girls in Approved Schools in England. Our Department is doing After Care with four girls and one boy.

In addition to the children in care of the Committee chargeable to Constables, States Treasury or Prison Board, 44 children have been placed privately by their parents in foster homes, they are supervised by Child Care Staff. The ages are broken down as follows:-

<u>0 - 2</u>	<u>2 - 6</u>	<u>6 - 15</u>	<u>15 and over.</u>	<u>Total.</u>
16	19	8	1	<u>44</u>

ADMISSIONS TO HAUT DE LA GARENNE WERE FOR THE FOLLOWING REASONS.

Remanded by Royal Court .....	1
Remanded by Magistrate's Court .....	3
Placed by Magistrate's Court as "Place of Residence" for boy on probation .....	1
Child in care of the Guernsey Education Committee who had been before Guernsey Juvenile Court .....	1
Beyond control because of home difficulties and admitted on Constable's request .....	12
Recommendation of Child Guidance Clinic with agreement of Constable .....	2
Jersey child committed to the care of the Somerset County Council as being in need of Care and Protection .....	1
Death of mother .....	4
Mothers ill health .....	14
Foster Home breakdown .....	5
Confidential job breakdown .....	1
Admitted from Sacre Coeur Orphanage .....	2
Homelessness of family .....	2

49

ADMISSIONS TO WESTAWAY CRECHE.

Mothers ill health .....	23
Mothers desertion .....	3
Housing difficulties .....	6
Illegitimate - pending other arrangements .....	7
	<u>39</u>

DISCHARGES FROM HAUT DE LA GARENNE.

Boarded out with relatives .....	2
Jersey Association for Youth and Friendship Hostel and lodgings .....	2
Residential job .....	1
Rehabilitation with own family .....	20
Approved Schools	0
Turners Court Farm Training School	0
Training Home for Girls	2
Church of England Children's Society Home	1
Boys Army	2
H.M. Prison pending placement in Approved School	3
	<u>34</u>

DISCHARGES FROM WESTAWAY CRECHE.

Boarded out	4
Placed with prospective adopters	1
Rehabilitated with own family	25
Placed with relatives	4
Family Group Home, 46, Nicholson Park.	1
	<u>35</u>

ADOPTION.

We have continued to do a steady amount of adoption work during the year. Investigation work on prospective adopters is, of course, a tremendously important part of the Child Care Officers work. Nineteen babies have been placed with prospective adopters during the year and it is interesting to note that this is exactly the same figure as in 1961. We have continued to place babies in Guernsey and this year have received a number of babies from Guernsey for adoption placement. We are also working, for the purpose of adoption, with the Southampton Children's Officer.

The Jersey Adoption Law 1961 came into operation in March, 1962.

Exactly the same number of applications have come to the Royal Court for adoption as in 1961.

Officers of the Committee have acted as guardian ad litem for nineteen cases, during the year the Committee accepted the principle that when officers of the Committee had been responsible for the placing of a child with prospective adopters the Committee would ask the Court to appoint the Probation Officer to do the guardian ad litem enquiries. Four such cases have been referred to him.

WORK WITH UNMARRIED MOTHERS.

I have prepared a separate appendix showing the trends of this work. It is distressing to note that, whereas we worked with 63 unmarried mothers in 1961, the figure in 1962 is 85, an increase of 23.

A number of the mothers who are keeping their children with them do welcome the

support given to them by the Child Care Staff.

#### FAMILY SUPERVISION.

A large proportion of the Child Care Officers time is taken up in working with families who need help and support. At the end of the year 86 families, comprising 294 children, were receiving supervision, quite apart from this, a great number of people are helped by one or two interviews or visits and these people do not appear in any form on a case load.

The number of visitors to the Children's Office in Colomberie Close in 1962 were 2,422 as compared to the 1961 figure of 1,346, showing an increase of nearly 1,100.

#### STAFF.

##### CHILDREN'S OFFICE, COLOMBERIE CLOSE.

Miss Beryl Powell and Mr. Charles Smith joined the Department in May 1962 as Child Care Officers.

Miss Vida John joined us in October, replacing Mrs. M. Burnell who left in August to take up a post as Senior Child Care Officer for the Lincolnshire County Council.

Miss Eileen Mangan joined the Department, as a Shorthand/Typist, in February.

##### HAUT DE LA GARENNE.

██████████ took up duties as Houseparents in February.

██████████ resigned from the post of Assistant Housemother in March.

██████████ was appointed as a temporary Assistant Housemother in October.

██████████ the cook, married in September and became ██████████

██████████ and ██████████ attended Home Office Refresher Courses for residential child care staff in England during the year.

##### WESTAWAY CRECHE.

Resignations during the year were received from ██████████ and ██████████ Nursery Nurses.

██████████ Nursery Assistant.

██████████ part-time teacher.

We were delighted to welcome back ██████████ who had worked for us before her marriage, as a non resident Nursery Nurse.

██████████ replaced ██████████

██████████ and ██████████ were appointed as Nursery Nurses.

██████████ was appointed as a non resident Nursery Night Nurse and ██████████ as a Nursery Assistant.

██████████ replaced ██████████ as part-time cook.

##### CHILDREN'S HOLIDAYS.

A party of seniors from Haut de la Garenne had an exciting and adventurous holiday with ██████████ in Spain. They hired a Microbus and drove through France and Spain, camping on the way.

Fellowship Camp at Devil's Bridge, Wales.

[redacted] took their group of children to a Family Group Home in Oxford, which was kindly loaned to us by the Oxford City Children's Committee.

Some of the other children had holidays with their own Youth Organisations and several had day trips which were organised from Haut de la Garenne to Sark, Guernsey and France.

Two girls in a foster home were able to attend the Girls Life Brigade Rally at the Albert Hall.

One of our senior boys in a foster home went for a Yachting Training Week with the Central Council for Physical Education and another boy from a foster home enjoyed and benefited from the Outward Bound Course he attended at the Moray Sea School, Burghhead.

It is a tremendous help that we have both the Boys and Girls Benevolent Funds to assist us with these holiday arrangements.

I should like again this year to reiterate how much we appreciate the co-operation we receive from the Constables, the Voluntary Police, the St. Helier Assistance Board, the Medical Officer of Health, the Health Visitors, the staff of the Child Guidance Clinic and the Head Teachers. Also from [redacted] of Elizabeth House, the fact that we can, with [redacted] help, so often keep a mother and her young children together is of tremendous importance.

This year a voluntary committee, the Jersey Association for Youth and Friendship opened a much needed hostel for working boys in St. Helier. Nine of our boys are living there and we do appreciate the interest the Jersey Association for Youth and Friendship is taking in them.

The public of the Island is taking an increasing interest in the work of the Children's Section. During the year I have given talks to Mothers Unions, Women's Institutes, Methodist Fellowships, Tec H and District Nursing Associations. The help we have received from members of the public in the shape of clothing, bedding and even cooking stoves has been much appreciated by some of the families we are working with.

We look forward in 1963 to the passing of up to date Children's Legislation.

We hope to see the start of the building of our Nursery Wing at Haut de la Garenne so that the whole age range of children needing care will be under one roof. We hope that our second Family Group Home will be opened to enable another group of children who need permanent care to live in a family atmosphere. We hope still to have more foster homes, but, the difficulties in placing older children who have had disturbing experiences in their lives, must be appreciated.

It is of vital importance that we never forget the individual needs of each child who comes into our care.

PATRICIA L. THORNTON.

CHILDREN'S OFFICER.

CHILDREN'S OFFICER - JERSEY.

Unmarried mothers who have been worked with in 1962.

<u>Born in Jersey.</u>	<u>Non Native but who have been in Jersey for most of their lives.</u>	<u>Born in British Isles.</u>	<u>Born in France.</u>	<u>Born in Switzerland.</u>	<u>TOTAL.</u>
38	7	38	1	1	85

<u>AGE DIVISION.</u>	<u>Fifteen to Eighteen</u>	<u>Nineteen to Twenty-one.</u>	<u>Twenty-two to Thirty.</u>	<u>Over Thirty.</u>	
	17	22	39	7	85

ANALYSIS OF OUTCOME.

	<u>1. Baby still expected.</u>	<u>2. Kept Baby.</u>	<u>3. Married &amp; kept baby.</u>	<u>4. Mother &amp; Baby Home in England.</u>	<u>5. Baby placed for Adoption in Jersey.</u>	
JERSEY GIRLS	6) 5) 11	20) 5) 25	1) 2) 3	10) 4) 14	1) 6) 7	
ENGLISH GIRLS						
	<u>6. Baby placed for adoption outside Jersey.</u>	<u>7. Foster Home.</u>	<u>8. Westaway Creche.</u>	<u>9. Other Arrangements.</u>	<u>10. English Girls returned home before birth of baby.</u>	<u>11. Foreign Girls returned home before birth of baby.</u>
JERSEY GIRLS	4) 11) 15	5) 2) 7	3) 1) 4	- 1 (baby died)	-) 7) 7	-) 2) 2
ENGLISH GIRLS						

NOTES:-

Under the analysis of outcome a mother and baby may appear in two columns, for instance some who go to Mother and Baby Homes ultimately keep their babies and others are placed for adoption.

Children at Westaway Creche. These babies were placed there for observation, one has now been rehabilitated with his own mother. One has been placed with adoptive parents and we are hoping shortly to place a second one for adoption.

Two of the mothers who have kept their babies are receiving regular weekly grants from the Dr. Barnardo's Mothers Assistance Scheme. Two mothers who have kept their children have received a block grant from the Buttle Trust. One girl was able to immigrate to Canada with her baby because of this help.



Of the seven children in Foster Homes, three girls are in close touch with their babies, one of them is receiving a grant to help pay for the baby's keep from the Diocese of Portsmouth Catholic Child Welfare Society. Two are in foster homes pending adoption arrangements being made. Two are in permanent foster home placements because of the mental incapacity of the mothers to look after them.

Of the twenty two children placed for adoption, all except three went straight from the care of their own mother to their prospective adopters, one was in Westaway Creche for a short period and two were for a short period in foster homes pending adoption arrangements.

The overall picture shows that we have worked with 22 more unmarried mothers than we worked with in 1961, as detailed below:-

- 33 children are with their own mothers.
- 22 have been adopted
- 7 are in foster homes
- 2 are in residential care.

therefore, out of the 66 babies that have been born, 50% have remained with their own mothers, a further 33% are with adoptive parents and 10% are in foster homes.

Last year I felt that our figures were encouraging from the point of view of emotional deprivation, this year I think they are even more so.

P.L. THORNTON.

CHILDREN'S OFFICER.

**Exhibit TLS21**

**Children's Section Annual Report 1963**

STATES OF JERSEY. EDUCATION COMMITTEE.

CHILDREN'S SECTION.

FIFTH ANNUAL REPORT - 1963.

The Child Care Section of the Education Committee has had another very busy year. The work which the Department has been asked to undertake has shown a steady increase. The interest and support which we have had from the community as a whole has been a tremendous encouragement.

In this year's annual report, I have laid out a table of figures at the end of the report showing the reasons for admission into care and the reason for discharge and also the categories of all children in care. The overall picture shows a decrease of fifteen children in the care of the Committee, although there is a slight increase in the number of children privately placed in foster homes. During the year seven boys and eight girls who were being supervised are now over the age of eighteen and standing on their own feet. Three of the girls have got married and do keep in touch. There are still, however, four boys over the age of eighteen who are still being supervised.

As will be seen from the figures, during the year there have been considerable movements of children, for instance, forty-seven children have needed care because of their mothers ill health. We have this year used more short stay foster homes for babies pending adoption placement. We have several foster mothers in the Island who are undertaking this valuable piece of work for us.

At Haut de la Garenne we have again been asked to admit a number of children because of behaviour problems, in some cases serious truancy and in others, offenders. The fact that these children are responding to that training and that we are able to endeavour to strengthen their characters whilst still keeping them in close touch with their own homes, is a tribute to the hard and interested work of the residential staff.

We have, both at Haut de la Garenne and Westaway Creche, been very full this year. At Westaway Creche in particular we have been asked, on several occasions, to take large families either because of the ill health of the mother or because of homelessness.

We have been able to board out a few younger children on a long term basis, but we have not found it easy to find foster homes for older children or for groups of brothers and sisters. We are, therefore, looking forward to having our two new Family Group Homes in 1964.

The family at 46, Nicholson Park continues to make excellent progress with [REDACTED]

At Haut de la Garenne our policy has been to start a boy or girl in a job before placing him or her in lodgings, unless we have been able to arrange boarding out placement earlier. We feel that it is much more satisfactory for the boy or girl to have the security of a home established before starting into the new venture of employment.

The Rotary Vocational Guidance Committee has given us a considerable amount of help this year in placing our children in employment, they were even able to assist one lad who had had a period of training at an Industrial Training Centre in England.

We are proud of one sixteen year old girl at Haut de la Garenne who won the [REDACTED] her entry was subsequently sent forward for [REDACTED]

A boy of seventeen, who had been in a foster home all his life, captained [REDACTED]

He competed in the [REDACTED]

The children's holidays for 1963 were all much enjoyed. A party of

small boys went to Guernsey where they camped on a farm. A party of seniors went to London with [redacted] the London County Council's Children's Officer kindly accommodated them and in 1964 we shall be entertaining a party from London.

[redacted] took a party of intermediates to Brittany.

The Family Group Home had an exchange with Southampton. They thoroughly enjoyed seeing the countryside around Southampton and the Southampton children appreciated Jersey.

Several of the children had individual holidays with their Youth Group Camps.

A new venture during the year was a meeting in April, by the courtesy of the Constable of Trinity, at the Trinity Parish Hall, which was attended by Constables and members of the Honorary Police. Deputy Green addressed the meeting and we showed the Home Office film "A Sense of Belonging" which engendered a most interesting discussion between the Child Care Staff and the Honorary Police.

Our Foster Parents Get-Together, which has become a very happy annual occasion, was held again at the Pcmme d'Or Hotel on May the 15th. For the first time, this year we had a speaker, Dr. M. Collins, who gave a most interesting talk which the foster parents thoroughly appreciated. [redacted] then showed films of her trip to Morocco. The foster parents enjoy the opportunity of meeting members of the Committee at their Get Together.

The table at the back of this report shows the comprehensive nature of the work of the Child Care Section. Apart from the children in the Children's Homes and in Foster Homes, twenty children are receiving special supervision in their own homes, from the Child Care Staff. Fifty-two families, comprising two hundred children, are receiving regular voluntary supervision from the Child Care staff. Apart from this there is a considerable number of families known to the Department who have received advice and help during the year. Two thousand six hundred and thirty visits to the Children's Office in Colomberie Close have been recorded during 1963, this is an increase of over two hundred from the previous year's record.

After-care for children from Approved Schools is being undertaken by the Child Care Staff for two boys and five girls. Nine boys from Jersey are at present in Approved Schools in England and three girls. During the year one boy and two girls were discharged from after-care.

The work with the unmarried mother in Jersey is undertaken entirely by the Child Care Staff and we have much appreciated the co-operation and help we have received during the year from the Winchester Diocesan Council for Moral Welfare and the Diocese of Portsmouth Catholic Child Welfare Society. I have analysed the figures for the unmarried mothers who have been worked with during the year in a table at the back of the report, the number of one hundred and eleven does, however, show a startling increase. In 1962 the Child Care Department was working with eighty five unmarried mothers, in 1961 - sixty three and in 1960 - fifty two.

Of the seventy two babies born, twenty two are living with their mothers, fourteen are in foster homes, in close touch with their mothers and thirty two have been placed with adopters. 1963 has indeed been a very busy year for adoption, altogether thirty nine children have been placed with adopters, in 1962 and 1961 the figure was nineteen. We have placed fourteen children in Guernsey and ten children in England. We have received six children from Guernsey for placement in Jersey and one from England. The Committee has been asked to act as Guardian ad Litem in nine cases and the Probation Officer has been asked to act as Guardian at Litem for six cases, which were placements by the Committee.

#### STAFF

We were very sorry to lose, in September, Miss Eileen Aveson, the Assistant Children's Officer, who joined me in 1959 in the early days of the Child Care Service in Jersey. I am sure that everyone who came into contact with her appreciated her vitality and enthusiasm. She is now doing a Post Graduate Course in the North of England, prior to entering the teaching profession.

Mr. C.A. Smith was promoted to the post of Assistant Children's Officer in October.

There have been various changes in Child Care Staff. Miss J. Beaumont and Mrs. L. Bygrave both joined us as Child Care Officers in the autumn.

At Haut de la Garenne, Mr. and Mrs. Mallinson have retired. [redacted] were promoted to [redacted] and [redacted] joined the staff in the autumn as [redacted] for the Senior Group. [redacted] has been appointed as [redacted] to the Junior Group and [redacted] as [redacted].

I mentioned at the beginning of this report the co-operation we have had from members of the public, I should like to say how much we have appreciated the gifts of furniture, bedding, clothing, prams and gifts at Christmas, which we have been able to use for the many families we are working with.

Members of the staff and I have given talks to various organisations during the year and we have appreciated the warm and friendly interest taken by the members of these organisations.

We have continued to work closely with Elizabeth House and Basil House, the Jersey Association for Youth and Friendship Hostel for Working Boys, it has been a godsend that we have been able to apply for admission to the latter for some of our lads who have had difficulty with lodgings.

Finally, I should like to put on record how much I appreciate the co-operation we receive from the St. Helier Assistance Board, the Probation Officer, the Constables and Centeniers of the Island, the Medical Officer of Health, the Health Visitors and the Child Guidance Clinic.

Our aim must be to maintain, whenever possible, the well being of the family, for, in the family, is the child's natural heritage. We must face the fact that there are times when the child needs help away from his family and I think that in the service that we are building up at Haut de la Garenne, we are able to offer a child this help and training, but we must, wherever possible try to re-establish the family as a unit and to this end we in the Child Care Service welcome the opportunity of working with the Parish Authorities, Schools and Health Department.

PATRICIA L. THORNTON.

CHILDREN'S OFFICER.

COMPARATIVE CHILD CARE COSTS

ENGLISH COUNTIES.

ENGLISH COUNTY BOROUGH.

	<u>JERSEY.</u>	<u>DEVON.</u>	<u>IS. &amp; OF WIGHT.</u>	<u>HERTFORDSHIRE.</u>	<u>BRIGHTON.</u>	<u>EASTBOURNE.</u>	<u>HASTINGS.</u>
Total Population.	63, 345	536,490	93, 090	857,200	162,200	61,250	66,640
Children in Care	173	397	114	891	258	67	89
Boarded out	47.4%	53%	78%	71%	57%	79%	46%
Local Authority Homes and Nurseries *	47.9%	11%	15%	22%	28%	13%	34%
Voluntary Homes and Other Accommodation.	4.7%	6%	7%	7%	15%	8%	20%
Number of children in care per thousand population	2.74	0.7	1.2	1.0	1.6	1.1	1.3
<u>COSTS.</u>							
Boarded Out	£2.11s. 8d.	£2. 1s.10d.	£1.19s. 1d.	£2. 10s. 0d.	£2. 0.10d.	£2. 11s. 2d.	£2. 10s. 6d.
Local Authority Homes and Nurseries. *	£9. 1s. 3d.	£11. 1. 3d.	£8. 2s. 5d.	£8. 19s. 9d.	£10.18s.11d.	£7. 0s. 2d.	£9. 13s. 2d.
Administrative costs.	8s.11d.	£2.16s.5d.	£1. 9s. 8d.	£1. 6s. 7d.	£2. 1s. 3d.	£1. 19s. 6d.	£1. 5s. 7d.
Average all children in care	£5. 7s. 6d.	£6. 0s.0d.	£4. 9s. 3d.	£5. 9s. 2d.	£6.11s. 8d.	£5. 1s. 6d.	£6. 18s. 0d.

\* Haut de la Garenne, Westaway Creche and Family Group Home.

The cost per week per child at Haut de la Garenne is £8. 2s. 3d.  
 " " " " " " " Westaway Creche " £11. 9s. 3d.  
 " " " " " " " Family Group Home " £7. 12s. 3d.



AGE GROUPS OF CHILDREN IN CARE - 31. 12. 63

AT THE EXPENSE OF THE AUTHORITIES.

	<u>0 - 2</u>	<u>2 - 6</u>	<u>6 - 15</u>	<u>15+</u>	<u>TOTAL.</u>
Foster Homes	5	8	36	22	71
Lodgings				11	11
Residential Est- balishments in England.	1	1	1	3	6
Boys Army and Merchant Navy				2	2
Family Group Home					
Haut de la Garenne		1	49	8	58
Westaway Creche	6	12	1		19

AT THE EXPENSE OF THE PARENTS.

Foster Homes	25	19	7	5	<u>56</u>
					<u>229</u>

TOTAL CASELOAD OF THE CHILDREN'S DEPARTMENT.

Children in Care	173	
Privately placed	56	
Specially supervised.	20	
Adoption Supervision.	12	
Approved School After-care.	7	- 268 children
Families.	52	- 200 children.
	<hr/> 300	468 children being — worked with.
Unmarried mothers being worked with at end of year.	<hr/> 75	
	<hr/> 395	

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HAUT DE LA GARENNE.ADMISSIONS 1963.

Remanded by Royal Court.	Offenders	4	
By Order of the Royal Court as place of Residence for Boy on Probation	"	1	
Remanded by Magistrates Court, subsequently committed as children being in need of Care or Protection	"	4	
Committed by Royal Court as being in need of Care or Protection	Offender:	1	
	Non Offenders:	2	
At Constable's Request:			
(a) Because of offences.		8	
(b) Because of home difficulties.		2	
(c) On Recommendation of Child Guidance Clinic.		1	
(d) Mother's desertion.		1	
(e) Mother's illhealth.		2	
(f) Foster Home breakdown.		1	
(g) Adoption breakdown.		1	
Guernsey Education Authority - because of behaviour problems.		1	
			<u>TOTAL: 29</u>

WESTAWAY CRECHE.ADMISSIONS 1963.

Mothers ill Health	18	
Mothers desertion	2	
Homelessness of family	7	
Foster Home Breakdown	2	
Illegitimate and mother unable to look after the child.	4	
Social inadequacy of Parents.	1	<u>TOTAL: 34</u>

HAUT DE LA GARENNE.DISCHARGES 1963.

Rehabilitation with own family.	15	
Withdrawn by parents against advice.	3	
Placed in Lodgings.	4	
Training Ship "Arethusa".	1	
Approved School.	2	
Remand Home in England.	1	
H.M. Prison pending Approved School.	1	
Observation Ward - General Hospital pending Approved School.	1	<u>TOTAL: 28</u>

WESTAWAY CRECHE.DISCHARGES 1963

Rehabilitation with own family.	26	
Boarded Out	5	
Maison de la Martine	1	
Nazareth Home Nursery to be near mother. Bristol	1	<u>TOTAL: 33</u>

CHILDREN PLACED IN FOSTER HOMES AT THE EXPENSE OF THE AUTHORITIES.

Mothers illness	19	
Parents separated	1	
Because of Home difficulties.	3	
Illegitimate.	2	<u>TOTAL: 25</u>

CHILDREN PLACED BY THE CHILDREN'S OFFICER IN FOSTER HOMES AT THE EXPENSE OF THEIR PARENTS.

Mothers illness	8	
Homelessness of Family.	2	
Mother deceased, father unable to manage.	1	
Parents separated.	10	
Illegitimate.	11	
Pending adoption placement.	11	
French children.	11	<u>TOTAL: 54</u> ..... <u>79</u>

CHILDREN DISCHARGED FROM FOSTER HOMES PAID FOR BY THE AUTHORITIES.

Rehabilitation with own family.	14	<u>TOTAL: 14</u>
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CHILDREN DISCHARGED FROM FOSTER HOMES WHERE THEY HAD BEEN PAID FOR PRIVATELY.

Rehabilitation with own family.	21	
French children returning to parents	11	
Placement with adopters	9	<u>TOTAL: 47</u> ..... <u>61</u>

OVERALL PICTURE OF ADMISSIONS TO CARE - 1963.

	<u>French Children.</u>	<u>Mothers Illness.</u>	<u>Illegitimate.</u>	<u>Parents Separation.</u>	<u>Homeless-ness.</u>	<u>Mothers Decease.</u>	<u>Social Inadequacy of parents.</u> <u>Behaviour Problems.</u>	<u>Committed to care as being in need of Care or Protection.</u>	<u>Offenders.</u>	
FOSTER HOMES	0	19	2	1	0	0	3	0	0	25
PRIVATE PLACEMENTS	11	8	22	10	2	1	0	0	0	
WESTAWAY CRECHE	0	18	4	2	7	0	1	0	0	
SAUT DE LA GARENNE	0	2	0	1	0	0	4	2	18	
	<u>11</u>	<u>47</u>	<u>28</u>	<u>14</u>	<u>9</u>	<u>1</u>	<u>7</u>	<u>2</u>	<u>18</u>	<u>17</u>

TOTAL: 138

DISCHARGES.

	<u>Rehabilitation.</u>	<u>Adoption.</u>	<u>Residential Establishments.</u>	<u>Approved Schools.</u>	
FOSTER HOMES	14	0	0	0	14
PRIVATE PLACEMENTS	38	9	0	0	47
WESTAWAY CRECHE	26	0	2	0	28
SAUT DE LA GARENNE	18	0	1	4	23
	<u>96</u>	<u>9</u>	<u>3</u>	<u>4</u>	<u>112</u>

TOTAL: 112

CATEGORIES OF ALL CHILDREN IN CARE - 31.12.63. AT THE EXPENSE OF THE AUTHORITIES.

	<u>Committed by Royal Court.</u>	<u>Illegitimate.</u>	<u>Mothers Decease</u>	<u>Mothers illness</u>	<u>Mothers Desertion</u>	<u>Parents Desertion.</u>	<u>Homelessness of Family</u>	<u>Parents Separation</u>	<u>Social Inadequacy of Parents.</u>	<u>TOT</u>
Foster children and Lodgings.	5	25	5	9	2	4	9	17	15	82
Residential Establish- ments in England.	0	2	0	0	0	0	0	0	4	6
Boys Army and Merchant Navy	0	0	0	0	0	0	0	0	2	2
Family Group Home	0		0		0	0	0	0		
Haut de la Garenne	15	2	4	5	7	4	0	1	20	58
Westaway Creche		2	0	8	2	0	1	0	6	19

AT THE EXPENSE OF THE PARENTS.

<u>Illegitimate</u>	<u>Pending Adoption.</u>	<u>Homelessness.</u>	<u>Parents Separation.</u>	<u>Mothers illness.</u>	<u>Mothers Decease</u>	<u>French.</u>	
15	3	1	4	2	4	27	56
							229



CHILDREN AT HAUT DE LA GARENNE.

REASONS FOR CARE.

Mothers ill health  
including mental  
deficiency.

4

Mother or Father's  
Desertion or  
Death.

15

Social Inadequacy  
of  
Parents.

5

Committed by the Royal Court.

Offenders.

5

Non Offenders

8

Jersey child committed by  
Somerset Court.

Offender

1

Guernsey Education Committee.

Offenders.

2

Constable's Order because of  
Behaviour Problems in Home or  
Foster Home.

15

Adoption Breakdown.

1

Private Fostering Breakdown.

2

TOTAL: 58

CHILDREN'S OFFICER - JERSEY.

UNMARRIED MOTHERS WHO HAVE BEEN WORKED WITH IN 1963.

<u>Born in Jersey.</u>	<u>Non native but who have been in Jersey for most of their lives.</u>	<u>Born in British Isles.</u>	<u>Born in New Zealand.</u>	<u>Born in Spain.</u>	<u>Born in Holland.</u>
33	1	74	1	1	1
<u>AGE DIVISION.</u>	<u>15 - 18</u>	<u>19 - 21</u>	<u>22 - 30</u>	<u>Over 30</u>	<u>TOTAL.</u>
	17	38	45	11	111.

OUTCOME.

Babies still expected and no definite plans made.....	19	
English girls returned home before the birth of their babies.....	10	
Foreign girls returned home before the birth of their babies.....	2	
Mother kept baby with her.....	22	
Babies placed in foster homes.....	14	
Babies placed in Westaway Creche.....	2	
Arrangements made for Mother and Baby Homes in England.....	4	
Babies placed in Maison de la Martine.....	1	
Other arrangements.....	1	1 baby died in Maternity Hospital.
Adoption Arrangements:		
Placed in Guernsey.....	14	
Placed in Jersey.....	8	
Placed in England.....	5	
Placed from Guernsey in Jersey.....	6	
Placed from England in Jersey.....	1	
Placed by English Societies in England.....	3	
Placed by Church of England Children's Society .....	2	
	TOTAL.	39.



# Children and Young Persons Act 1963

CHAPTER 37

*LONDON*

HER MAJESTY'S STATIONERY OFFICE

PRICE 3s. 6d. NET

# Children and Young Persons Act 1963

## CHAPTER 37

### ARRANGEMENT OF SECTIONS

#### PART I

##### CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

###### *Welfare powers of local authorities*

###### Section

1. Extension of power to promote welfare of children.

###### *Children and young persons in need of care, protection or control*

2. Children and young persons in need of care, protection or control.
3. Children and young persons beyond control.
4. Power to send case under s. 62 of principal Act to local juvenile court.

###### *Supervision orders and powers of court to deal with persons under supervision or in care of local authority*

5. Supervision orders.
6. Extension of s. 66 of principal Act.
7. Extension of powers of juvenile court to deal with persons in the care of local authorities.

###### *Approved schools*

8. Selection of approved school.
9. Temporary committal of persons ordered to be sent to approved schools.
10. Escape of persons subject to approved school orders.
11. Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.
12. Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.
13. Contributions by persons detained in approved schools.
14. Duty of parents to notify changes of address to approved school or fit person.
15. Effect of approved school order on fit person or local authority.

*Juvenile courts and proceedings in connection  
with children and young persons*

Section

16. Offences committed by children.
17. Constitution and place of sitting of juvenile courts.
18. Jurisdiction of magistrates' courts in certain cases involving children and young persons.
19. Assessors for recorder in appeals and committals from juvenile courts.
20. Constitution of London Sessions for purposes of committals from juvenile courts.
21. Abolition of special time limit for indictable offences in Sch. 1 to principal Act.
22. Children and young persons arrested and not released.
23. Children and young persons detained in places of safety.
24. Age limits for children sent to special reception centres.
25. Attendance at court of parents of child or young person brought before court.
26. Medical evidence by certificate.
27. Evidence of children in committal proceedings for sexual offences.
28. Form of oath for use in juvenile courts and by children and young persons in other courts.
29. Provisions as to persons between the ages of 17 and 18.

*Recovery of arrears of contributions*

30. Recovery of arrears of contributions.

*Increase of certain penalties*

31. Increase of penalty for cruelty.
32. Increase of penalty for sales of tobacco, etc., to persons under 16.

*New appeals*

33. New appeals.

## PART II

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

*General provisions as to employment*

34. Hours of employment.
35. Street trading.
36. Increase of certain penalties.

*Entertainment*

37. Restriction on persons under 16 taking part in public performances, etc.

## Section

- 38. Restriction on licences for performances by children under 13.
- 39. Supplementary provisions as to licences under section 37.
- 40. Offences.
- 41. Licences for training persons between 12 and 16 for performances of a dangerous nature.
- 42. Licences for children and young persons performing abroad.
- 43. Extended powers of entry.

*Construction of Part II*

- 44. Construction of Part II.

## PART III

## MISCELLANEOUS AND GENERAL

*Research and financial assistance*

- 45. Research.
- 46. Financial assistance under s. 20 of Children Act 1948.
- 47. Power of local authority to guarantee apprenticeship deeds etc. of persons in their care.

*Children in respect of whom parental rights may be or have been assumed by local authority*

- 48. Extension of power of local authority to assume parental rights.
- 49. Harboursing or concealing child required to return to local authority.
- 50. Extension of power to appoint guardian.

*Persons under supervision changing country of residence*

- 51. Supervision of persons moving to Scotland.
- 52. Supervision orders by Scottish courts in respect of persons residing in England.

*Children and young persons escaping to other parts of British Islands*

- 53. Arrest in one part of British Islands of children or young persons escaping in other part.

*Amendment of Adoption Act 1958*

- 54. Extension of scope of Adoption Rules.
- 55. Emigration with consent of Secretary of State.



*Miscellaneous*

## Section

56. Prosecution of offences under Part I or Part II of principal Act.
57. Newspaper and broadcast reports of proceedings involving children and young persons.
58. Power of local authority to visit and assist persons formerly in their care.
59. Adjustment between local authorities of expenses of maintaining persons in remand homes.

*Supplementary provisions*

60. Expenses.
61. Effect of Act on general grants in England and Wales.
62. Effect of Act on general grants in Scotland.
63. Interpretation.
64. Amendments, transitional provisions, and repeals.
65. Citation, construction, commencement and extent.

## SCHEDULES:

- Schedule 1—Supervision orders.
- Schedule 2—Constitution of juvenile courts.
- Schedule 3—Minor and consequential amendments.
- Schedule 4—Transitional provisions.
- Schedule 5—Enactments repealed.

## ELIZABETH II



## 1963 CHAPTER 37

An Act to amend the law relating to children and young persons; and for purposes connected therewith.

[31st July 1963]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

## CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

*Welfare powers of local authorities*

**1.**—(1) It shall be the duty of every local authority to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948, the principal Act or the principal Scottish Act or to bring children before a juvenile court; and any provisions made by a local authority under this subsection may, if the local authority think fit, include provision for giving assistance in kind or, in exceptional circumstances, in cash.

Extension of power to promote welfare of children.

(2) In carrying out their duty under subsection (1) of this section a local authority may make arrangements with voluntary organisations or other persons for the provision by those organisations or other persons of such advice, guidance or assistance as is mentioned in that subsection.

(3) Where any provision which may be made by a local authority under subsection (1) of this section is made (whether by that or any other authority) under any other enactment the local authority shall not be required to make the provision under this section but shall have power to do so.

## PART I

(4) A local authority shall from time to time, and at least once in every twelve months, make to the Secretary of State such reports on the nature of the provisions made by them under this section as he may specify.

(5) In this section "child" means a person under the age of eighteen.

*Children and young persons in need of care, protection or control*

Children  
and young  
persons in  
need of care,  
protection  
or control.

2.—(1) A child or young person is in need of care, protection or control within the meaning of this Act if—

- (a) any of the conditions mentioned in subsection (2) of this section is satisfied with respect to him, and he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give; or
- (b) he is beyond the control of his parent or guardian.

(2) The conditions referred to in subsection (1)(a) of this section are that—

- (a) he is falling into bad associations or is exposed to moral danger; or
- (b) the lack of care, protection or guidance is likely to cause him unnecessary suffering or seriously to affect his health or proper development; or
- (c) any of the offences mentioned in Schedule 1 to the principal Act has been committed in respect of him or in respect of a child or young person who is a member of the same household; or
- (d) he is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or
- (e) the child or young person is a female member of a household a member of which has committed or attempted to commit an offence under section 10 of the Sexual Offences Act 1956.

(3) References in any enactment to a child or young person in need of care or protection shall be construed as references to a child or young person in need of care, protection or control within the meaning of this Act.

Children  
and young  
persons beyond  
control.

3.—(1) No child or young person shall be brought before a juvenile court by his parent or guardian on the ground that he is unable to control him; but where the parent or guardian of a child or young person has, by notice in writing, requested the local authority within whose area the child or young person resides to bring him before a juvenile court under section 62 of the principal Act and the local authority refuse to do so or fail to do so within twenty-eight days from the date on which the notice is given the parent or guardian may apply by complaint to a juvenile court for an order directing them to do so.

## PART I

(2) Where a complaint has been made under this section for an order against a local authority, the local authority shall make available to the court such information as to the home surroundings, school record, health and character of the child or young person as appears to them likely to assist the court and shall for that purpose make such investigations as may be necessary.

(3) On the hearing of a complaint under this section the child or young person shall not be present.

4. Where a child or young person is brought, under section 62 of the principal Act, before a juvenile court other than one acting for the petty sessions area in which he resides and the court is of opinion that he might be found to be in need of care, protection or control, the court may, instead of dealing with the case, direct that he be brought before a juvenile court acting for the petty sessions area in which he resides; and where the court so directs—

Power to send case under s. 62 of principal Act to local juvenile court.

- (a) it shall be the duty of the local authority in whose area the child or young person resides to bring him before such a court under the said section 62 within twenty-one days; and
- (b) the court may give such directions as appear to it necessary with regard to the custody of the child or young person until he can be brought before that juvenile court and shall cause the clerk of that juvenile court to be informed.

*Supervision orders and powers of court to deal with persons under supervision or in care of local authority*

5.—(1) Any supervision order (that is to say, any order made under any provision of the principal Act placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court) which is made or amended after the commencement of this Act shall name the petty sessions area in which the person placed under supervision resides or will reside; and any powers exercisable by a juvenile court—

Supervision orders.

- (a) in relation to a supervision order so made or amended, shall be exercisable by a juvenile court acting for the petty sessions area for the time being named in the order; and
- (b) in relation to a supervision order made before and not amended after the commencement of this Act, shall be exercisable by a juvenile court acting for the petty sessions area in which the person placed under supervision resides.

## PART I

(2) Any supervision order (whether made before or after the commencement of this Act) which places a person under the supervision of a probation officer shall have effect as an order placing him under the supervision of a probation officer appointed for or assigned to the petty sessions area for the time being named in the order (or, if none is named in the order, the petty sessions area in which that person resides) and selected in accordance with Schedule 1 to this Act.

(3) A local authority may be appointed as the person under whose supervision a person is placed by a supervision order but, except where that person resides or will reside in their area, shall not be so appointed without their consent.

(4) The provisions of Schedule 1 to this Act (which reproduce the effect of certain enactments relating to supervision orders with amendments consequential on the preceding provisions of this section and certain other amendments) shall have effect with regard to supervision orders, whether made before or after the commencement of this Act.

(5) In this section and Schedule 1 to this Act, "petty sessions area" includes a division of the metropolitan area referred to in Part II of Schedule 2 to this Act.

Extension  
of s. 66 of  
principal Act.

6.—(1) The powers of the juvenile court before which a person is brought under section 66(1) of the principal Act by a probation officer or other person under whose supervision he was placed by an order under that Act shall include power—

- (a) to order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; and
- (b) in a case where the court orders him to be sent to an approved school or commits him to the care of a fit person, to revoke the order placing him under the supervision of the person by whom he is brought before the court;

and where the court exercises its power under paragraph (b) of this subsection to revoke the order mentioned therein, section 76 of the principal Act (which authorises committal to the care of a local authority) shall apply as it applies where no such order is in force.

The Magistrates' Courts Act 1952 shall apply in relation to a recognizance under this subsection as it applies in relation to a recognizance to be of good behaviour.

(2) The age up to which a person may be brought before the court and dealt with under the said section 66 shall be eighteen instead of seventeen years.

7.—(1) For section 65 of the principal Act there shall be substituted the following section:—

PART I

Extension of powers of juvenile court to deal with persons in the care of local authorities.

“ 65.—(1) Where a local authority satisfy a juvenile court that a child or young person in their care under section 1 of the Children Act 1948 is refractory and the court thinks it expedient to do so, the court may—

- (a) order him to be sent to an approved school ; or
- (b) commit him to the care of a fit person (other than that local authority) whether a relative or not, who is willing to undertake the care of him ;

and where the court commits him to the care of a fit person and that person consents, it may also, if it thinks it expedient to do so, make an order placing the child or young person for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court.

(2) Where a child or young person is in the care of a local authority by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates' Courts) Act 1960 the local authority may, with the leave of the court having power to vary or revoke the order, apply to a juvenile court under this section ; and if on such an application they satisfy the juvenile court that the child or young person is refractory and the court thinks it expedient to do so, the court may order him to be sent to an approved school.”

(2) For subsection (8) of section 84 of the principal Act there shall be substituted the following subsection:—

“(8) Where a local authority are of opinion that it is desirable to do so in the interests of a child or young person who has been committed to their care, they may apply to a juvenile court, and that court may, if it thinks it desirable in his interests to do so, revoke the order committing him to their care and, where it revokes that order—

- (a) commit him to the care of another fit person, whether a relative or not, who is willing to undertake the care of him ; or
- (b) order him to be sent to an approved school ; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship ; or
- (d) without making any other order, or in addition to an order under paragraph (a) or paragraph (c) of this subsection, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.



## PART I

The Magistrates' Courts Act 1952 shall apply in relation to a recognizance under this subsection as it applies in relation to a recognizance to be of good behaviour."

*Approved schools*

Selection of  
approved  
school.

8.—(1) The school to which a person is to be sent in pursuance of an approved school order shall not be specified in the order; but the order shall be authority for his detention in any approved school and the school in which he is to be detained at any time shall be determined by the Secretary of State.

(2) In determining the approved school in which a person is to be detained the Secretary of State shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) If the parent, guardian or nearest adult relative of a person in respect of whom an approved school order has been made applies to a juvenile court for an order under this subsection and proves to the court that the religious persuasion of that person is not as declared (under section 70(1) of the principal Act) by the approved school order, the court shall by order declare the religious persuasion of that person to be that so proved and send a copy of its order to the Secretary of State; but no such application with respect to a person under the care of the managers of an approved school shall be made later than thirty days after his arrival there.

(4) An application under subsection (3) of this section may be made—

- (a) if the approved school order was made by a juvenile or other magistrates' court, to a juvenile court acting for the same petty sessions area as that court;
- (b) in any other case, to a juvenile court acting for the petty sessions area in which the applicant resides.

Temporary  
committal  
of persons  
ordered  
to be sent to  
approved  
schools.

9.—(1) Every approved school order shall take effect immediately, but shall provide for such time (if any) as may elapse before the person to whom it relates can be sent to an approved school by committing him either—

- (a) to custody in a place specified in accordance with subsection (3) of this section; or
- (b) to the custody of a fit person to whose care he might have been committed under the principal Act.

(2) Any provision made in pursuance of subsection (1) of this section shall, unless extended under this subsection, cease to have effect at the expiration of twenty-eight days; and any such provision may, on the application of any person, be varied, and from time to time extended for not more than twenty-eight days, by a juvenile court, and may be so extended in the absence of the person to whom it relates.

(3) The places to which a person may be committed in custody in pursuance of subsection (1)(a) of this section are—

(a) if the approved school order is made on a conviction or finding of guilt, any place to which he might have been committed on remand; and

(b) in any other case, any place of safety.

(4) If a juvenile court which proposes to make or vary such a provision as is mentioned in subsection (1) of this section in respect of a person who has attained the age of fourteen is satisfied that he is of so unruly a character that he cannot safely be detained in a remand home or other place of safety or of so depraved a character that he is not fit to be so detained, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, the remand centre may for the purposes of that provision be treated as a place of safety.

(5) Subsections (2) to (4) of section 6 of the Children and Young Persons Act 1938 (which make provision for children and young persons needing medical treatment while in a place of safety) shall with the necessary modifications apply in relation to an approved school order providing for the temporary detention of a person in a remand home or other place of safety as they apply in relation to such orders as are mentioned in subsection (2) of that section.

10.—(1) If a person has, in pursuance of section 9 of this Act, been committed by an approved school order to custody in any place other than a prison, remand home, remand centre or special reception centre or to the custody of a fit person, and he escapes or is without lawful authority taken from that custody, he may be arrested without warrant in any part of the United Kingdom, the Channel Islands or the Isle of Man.

Escape of persons subject to approved school orders.

(2) Subject to subsection (3) of this section, a person arrested under subsection (1) of this section shall be brought back to the place from which, or as the case may be to the person from whom, he escaped or was taken.

(3) If the occupier of that place or that person is not willing to receive him, he shall be brought before a juvenile court with a view to the variation of the approved school order under subsection (2) of the said section 9.

(4) Any person who is arrested under section 82(1) of the principal Act (which relates to the escape of persons sent to approved schools) after having escaped from any hospital, home or institution or after having run away from the person in whose charge he was may, instead of being brought back to

## PART I

his school, be brought back to the hospital, home or institution from which he escaped or, as the case may be, to the person in whose charge he was ; and the expenses of bringing a person back in accordance with this subsection shall be borne by the managers of his school.

(5) Subsection (2) of the said section 82 (which provides for increasing the period of detention of a person brought back to his school) shall extend to any person brought back (whether to his school or elsewhere) after escaping or being taken away from the place in which or the person in whose custody he was after the making of an approved school order in respect of him.

(6) Any person who—

- (a) knowingly assists or induces a person to escape from any such custody as is referred to in subsection (1) of this section, or
- (b) without lawful authority takes a person away from such custody, or
- (c) knowingly harbours or conceals a person who has so escaped or has been so taken away or prevents him from returning,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.

**11.**—(1) The Secretary of State may with the consent of a local authority providing a remand home designate the remand home as a classifying centre for persons who have been ordered to be sent to an approved school and may at any time cancel such a designation.

(2) To the extent that a remand home for the time being designated under this section is used as a classifying centre the provisions of the enactments specified in subsection (4) of this section shall apply in relation to it and to persons detained in it as they apply in relation to an approved school and to persons detained in an approved school ; and accordingly section 78(4) of the principal Act (which relates to persons escaping from remand homes) shall not apply in relation to persons detained in a classifying centre in pursuance of this section.

(3) The Secretary of State may, after consulting the local authority providing a remand home which has been or is to be designated under this section, direct that so much of their expenses in providing and maintaining the home as is attributable to its use as a classifying centre shall be treated for the purposes of sections 90 and 104 of the principal Act as if they were expenses incurred by the authority as managers of an approved school.

(4) The enactments referred to in subsection (2) of this section are— PART I

- (a) in the principal Act, sections 58, 72, 81 to 83 and 106 and Schedule 4 except paragraphs 1 to 3, 7 and 14 ;
- (b) section 72 of the Criminal Justice Act 1948 ;
- (c) section 79 of the Mental Health Act 1959 ;
- (d) sections 15 to 17 of the Criminal Justice Act 1961 ;
- (e) any enactment contained in this Act.

**12.** Where a person has been transferred to an approved school under section 83 of the principal Act (which enables persons detained in schools in Scotland or Northern Ireland to be transferred to approved schools in England or Wales) sections 86 to 89 of that Act (which relate to contributions) shall apply in relation to him as if the order under which he was detained before his transfer were an approved school order. Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.

**13.** Notwithstanding anything in section 24 of the Children Act 1948, no person under the care of the managers of an approved school shall be liable under section 86 of the principal Act to make contributions in respect of himself to a local authority ; but any such person who is engaged in remunerative work shall pay to the managers such weekly sum towards their expenses as the Secretary of State may determine, but not in respect of any period during which he is out from the school under supervision. Contributions by persons detained in approved schools.

**14.—(1)** The parent of a person who is detained in an approved school or is in the care of a fit person in pursuance of an order under the principal Act shall keep the managers of the approved school or, as the case may be, the fit person informed of the parent's address. Duty of parents to notify changes of address to approved school or fit person.

(2) Where a person is transferred from one approved school to another the managers of the school from which he is transferred shall, where possible, inform his parents of the transfer ; and until his parent has been so informed, the parent's duty under subsection (1) of this section shall be deemed to be duly discharged if he keeps the managers of the first-mentioned school informed of his address.

(3) Where, in pursuance of subsection (1) of this section, the managers of an approved school or a local authority are informed of a change in a parent's address they shall give notice of the new address to the local authority in whose area the parent was residing before the change.

(4) A parent of a person who, knowing that that person is detained in an approved school or in the care of a fit person as mentioned in subsection (1) of this section, fails to comply with that subsection shall be liable on summary conviction to

## PART I

a fine not exceeding five pounds ; but in any proceedings under this subsection it shall be a defence to prove that the defendant was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the managers or fit person informed of the address of both.

(5) Section 87(5) of the principal Act (which requires a person on whom a contribution order has been made to notify changes in his address) shall cease to have effect.

Effect of  
approved  
school order  
on fit person  
or local  
authority.

**15.**—(1) Where a person has been committed by order of a court to the care of a fit person and, while the order is in force, an approved school order is made in respect of him, the order committing him to the care of that person shall be of no effect while he is under the care of the managers of an approved school ; but this section shall not affect the power of the Secretary of State under subsection (4) of section 84 of the principal Act to discharge him from the care of the person to whose care he has been committed by the first-mentioned order or the power of the court under subsection (6) of that section to vary or revoke that order.

(2) Where a person has ceased to be in the care of a local authority by virtue of subsection (1) of this section or of section 6(3) of the Children Act 1948 (which makes similar provision with respect to children in the care of a local authority under section 1 of that Act), or where a juvenile court, under section 84(8) of the principal Act, has revoked an order committing a person to the care of a local authority and made an approved school order in respect of him, the local authority may, while that person is under the care of the managers of an approved school but not out under supervision, cause him to be visited and befriended, and may, in exceptional circumstances, make payments for his welfare.

*Juvenile courts and proceedings in connection with  
children and young persons*

Offences  
committed by  
children.

**16.**—(1) Section 50 of the principal Act shall be amended by substituting therein the word “ ten ” for the word “ eight ”.

(2) In any proceedings for an offence committed or alleged to have been committed by a person of or over the age of twenty-one, any offence of which he was found guilty while under the age of fourteen shall be disregarded for the purposes of any evidence relating to his previous convictions ; and he shall not be asked, and if asked shall not be required to answer, any question relating to such an offence, notwithstanding that the question would otherwise be admissible under section 1 of the Criminal Evidence Act 1898.

Constitution  
and place of  
sitting of  
juvenile  
courts.

**17.**—(1) For Schedule 2 to the principal Act (which relates to the constitution of juvenile courts) there shall be substituted Schedule 2 to this Act.

(2) In section 47(2) of the principal Act (which relates to sittings of juvenile courts) for the words from "subject as hereinafter provided" to "other courts are held" there shall be substituted the words "not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been or will be held there within an hour before or after the sitting of the juvenile court".

**18.** Notwithstanding section 46(1) of the principal Act (which restricts the jurisdiction of magistrates' courts which are not juvenile courts in cases where a child or young person is charged with an offence) a magistrates' court which is not a juvenile court may hear an information against a child or young person if he is charged—

Jurisdiction of magistrates' courts in certain cases involving children and young persons.

- (a) with aiding, abetting, causing, procuring, allowing or permitting an offence with which a person who has attained the age of seventeen is charged at the same time; or
- (b) with an offence arising out of circumstances which are the same as or connected with those giving rise to an offence with which a person who has attained the age of seventeen is charged at the same time.

**19.—(1)** Where a court of quarter sessions for a borough deals with a case on appeal from a juvenile court or with the case of a person committed by a juvenile court to quarter sessions under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959, the recorder shall, where practicable, be assisted by two members of a juvenile court panel, who shall sit with him and act as assessors.

Assessors for recorder in appeals and committals from juvenile courts.

(2) Where in any case only one such member is available the recorder may sit with that member, and where in any case no such member is available and it appears to the recorder that an adjournment would not be in the interests of justice, he may sit alone.

(3) The Lord Chancellor may by rules made by statutory instrument make provision for the selection of justices to act under subsection (1) of this section and for securing their presence on the bench, and those rules shall secure that, so far as practicable, of any two justices assisting the recorder one is a man and one a woman.

(4) Except where rules under the preceding subsection otherwise provide, the said justices shall be selected from the juvenile court panel for the borough (or, if the borough is part of an area for which a combined panel has been formed in pursuance of Schedule 2 to this Act, the juvenile court panel for that area).



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(5) Rules under subsection (3) of this section may provide, in the case of any borough or class of borough, either—

- (a) that the said justices shall be selected also from the juvenile court panel for any other area which includes part of the county in which the borough is situated (or, in the case of a county borough, of a county which has a common boundary with it); or
- (b) that they shall be so selected instead of being selected from the panel mentioned in subsection (4) of this section.

Constitution of London Sessions for purposes of committals from juvenile courts.

**20.** For the purpose of dealing with the case of a person committed by a juvenile court under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959 a court of quarter sessions for the county of London shall be constituted in accordance with the provisions of section 8 of the Summary Jurisdiction (Appeals) Act 1933, as modified in their application to appeals from a juvenile court by section 18(4) of the Criminal Justice Administration Act 1956.

Abolition of special time limit for indictable offences in Sch. 1 to principal Act.

**21.** Section 14(3) of the principal Act (which, as respects the summary trial of the offences mentioned in Schedule 1 to that Act, makes provision, similar to that made as respects summary trial generally by section 104 of the Magistrates' Courts Act 1952, for limiting the time within which proceedings may be begun but, unlike that section, extends to summary trial under section 19, 20 or 21 of the said Act of 1952) is hereby repealed.

Children and young persons arrested and not released.

**22.—**(1) Where a person apparently under the age of seventeen has been arrested without warrant for an offence and is neither brought forthwith before a magistrates' court nor released, he shall be brought before a magistrates' court within seventy-two hours unless an officer of police of a rank not less than inspector certifies to a magistrates' court within that period that by reason of illness or accident the said person cannot be brought before the court.

(2) Where in pursuance of this section a person is brought before a magistrates' court or a certificate relating to any person is produced to a magistrates' court, the court may remand him.

Children and young persons detained in places of safety.

**23.—**(1) A court or justice of the peace—

- (a) authorising any person under section 26(6) or section 67(1) of the principal Act to take a child or young person to a place of safety; or
- (b) issuing a warrant under section 40 of that Act authorising a constable to take a child or young person to a place of safety; or
- (c) ordering the removal of a child or young person to a place of safety under section 7 of the Children Act 1958 or section 43 of the Adoption Act 1958;

shall specify in the warrant, authority or order a period, which shall not exceed twenty-eight days, beyond which the child or young person must not be detained in a place of safety without being brought before a juvenile court; and accordingly the child or young person shall be brought before a juvenile court not later than the end of that period unless he has been released or received into the care of a local authority.

(2) Where a child or young person has taken refuge in a place of safety or has been taken there otherwise than under the authority of a court or justice of the peace, he shall be brought before a juvenile court or a justice of the peace within the period of eight days beginning with the day when he arrived at the place of safety, unless he has been released or received into the care of a local authority.

(3) A child or young person required to be brought before a juvenile court or a justice of the peace under subsection (1) or subsection (2) of this section shall (if not otherwise brought before the court or justice) be brought before the court or justice by the local authority in whose area the place of safety is situated; and the person occupying or in charge of a place of safety not provided by that local authority shall as soon as practicable notify that local authority whenever a child or young person takes refuge there or is taken there as mentioned in subsection (1) or subsection (2) of this section.

(4) Notwithstanding anything in the preceding provisions of this section, where the person to be brought before a court or justice is under the age of five or cannot be brought before the court or justice by reason of illness or accident, the duty to bring him before the court or justice may be discharged by the making of an application for an order under subsection (5) of this section.

(5) Where a person is brought before a juvenile court or justice of the peace in pursuance of subsection (3) of this section or an application is made in respect of any person to a juvenile court or justice of the peace in pursuance of subsection (4) thereof, the court or justice may either order him to be released or make an interim order for his detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(6) An interim order under this section shall cease to have effect—

(a) if made by a juvenile court, not later than twenty-eight days after it is made; and

(b) if made otherwise than by a juvenile court, not later than twenty-eight days after the person in respect of whom it is made arrived at the place of safety;

but if before the expiration of that period a juvenile court thinks it expedient to do so it may make a further interim order under

## PART I

this section, and, where the person concerned is under the age of five or cannot be brought before the court by reason of illness or accident, may do so in his absence.

(7) Subsections (2) to (4) of section 6 of the Children and Young Persons Act 1938 (which make provision for children and young persons needing medical treatment while in a place of safety) shall with the necessary modifications apply in relation to orders under this section as they apply in relation to such orders as are mentioned in subsection (2) of that section.

(8) In this section "young person" includes a person of or over the age of seventeen who is about to be brought before a juvenile court under section 66 of the principal Act.

Age limits for children sent to special reception centres.

24.—(1) In the proviso to subsection (1) and in subsection (5A) of section 27 of the Criminal Justice Act 1948 (which empower a court which remands a child under the age of twelve to send him to a special reception centre or to transfer him to or from such a centre) for the words "twelve years of age" there shall be substituted the words "fifteen years of age".

(2) On the coming into force of an Order in Council under section 35 of the Education Act 1944 (which enables the compulsory school age to be raised to sixteen years) subsection (1) of this section shall have effect as if for the word "fifteen" there were substituted the word "sixteen".

(3) After subsection (5B) of the said section 27 there shall be inserted the following subsection:—

"(5C) Before exercising its powers under the proviso to subsection (1) of this section or under subsection (5A) of this section in relation to a person who has attained the age of twelve the court, unless to do so would in its opinion cause undue delay, shall permit the local authority providing the centre to make representations to the court as to the exercise of those powers and shall consider any representation so made."

Attendance at court of parents of child or young person brought before court.

25.—(1) For section 34 of the principal Act there shall be substituted the following section:—

"34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be

practicable to inform at least one person whose attendance may be required under this section ”.

(2) Where a person apparently under the age of seventeen who has been arrested and charged with an offence is released under section 32(1) of the principal Act on his parent or guardian entering into a recognizance to secure his attendance upon the hearing of the charge, the recognizance may be conditioned for the attendance at the hearing of the parent or guardian as well as the person charged.

**26.** In any proceedings, other than proceedings for an offence, before a juvenile court, and on any appeal from a decision of a juvenile court in any such proceedings, any document purporting to be a certificate of a fully registered medical practitioner as to any person's physical or mental condition shall be admissible as evidence of that condition. Medical evidence by certificate.

**27.—(1)** In any proceedings before a magistrates' court inquiring into a sexual offence as examining justices— Evidence of children in committal proceedings for sexual offences.

(a) a child shall not be called as a witness for the prosecution ; but

(b) any statement made in writing by or taken in writing from the child shall be admissible in evidence of any matter of which his oral testimony would be admissible ;

except in a case where the application of this subsection is excluded under subsection (2) of this section.

(2) Subsection (1) of this section shall not apply—

(a) where at or before the time when such a statement is tendered in evidence the defence objects to the application of that subsection ; or

(b) where the prosecution requires the attendance of the child for the purpose of establishing the identity of any person ; or

(c) where the court is satisfied that it has not been possible to obtain from the child a statement that may be given in evidence under this section ; or

(d) where the inquiry into the offence takes place after the court has discontinued to try it summarily and the child has given evidence in the summary trial.

(3) Section 23 of the Magistrates' Courts Act 1952 (which, in a case where an inquiry into an offence is followed by summary trial, treats evidence given for the purposes of the inquiry as having been given for the purposes of the trial) shall not apply to any statement admitted in pursuance of subsection (1) of this section.

(4) In this section “ sexual offence ” means any offence under the Sexual Offences Act 1956 or the Indecency with Children Act 1960, or any attempt to commit such an offence.

**PART I**

Form of oath for use in juvenile courts and by children and young persons in other courts.

**28.**—(1) Subject to subsection (2) of this section, in relation to any oath administered to and taken by any person before a juvenile court or administered to and taken by any child or young person before any other court, section 2 of the Oaths Act 1909 shall have effect as if the words “I promise before Almighty God” were set out in it instead of the words “I swear by Almighty God that”.

(2) Where in any oath otherwise duly administered and taken either of the forms mentioned in this section is used instead of the other, the oath shall nevertheless be deemed to have been duly administered and taken.

Provisions as to persons between the ages of 17 and 18.

**29.**—(1) Where proceedings in respect of a young person are begun before a juvenile court under section 62 or section 65 of the principal Act and he attains the age of seventeen before the conclusion of the proceedings, the court may continue to deal with the case and make any order which it could have made if he had not attained that age.

(2) Where, in any such proceedings, or in proceedings under section 66, 84(8) or 85(1) of the principal Act, a court makes in respect of a person who has attained the age of seventeen an order sending him to an approved school, committing him to the care of a fit person, or placing him under the supervision of a probation officer or of some other person appointed for the purpose by the court, the provisions of any enactment relating to the making of such an order and of any enactment relating to persons so sent, committed or placed, shall apply in relation to him as they apply in relation to persons who have not attained the age of seventeen.

*Recovery of arrears of contributions*

Recovery of arrears of contributions.

**30.**—(1) Where during any period (in this section referred to as “the period of default”)—

(a) a person was liable to make contributions in respect of a child; but

(b) no order was in force requiring him to make the contributions;

a magistrates’ court acting for the petty sessions area where he is for the time being residing may, on the application of the person who would have been entitled to receive payment under such an order, make an order (in this section referred to as an “arrears order”) requiring him to pay such weekly sum, for such period, as the court, having regard to his means, thinks fit; but the aggregate of the payments required to be made by any person under an arrears order shall not exceed the aggregate that, in the opinion of the court, would have been payable by him under a contribution order in respect of the

period of default or, if it exceeded three months, the last part thereof, less the aggregate of the payments (if any) made by him in respect of his liability during that period or, as the case may be, the last part thereof.

For the purposes of this subsection the last part of the period of default shall be taken to be the last three months thereof and such time, if any, preceding the last three months as is equal to the time during which it continued after the making of the application for the arrears order.

(2) No application for an arrears order shall be made later than three months after the end of the period of default.

(3) An arrears order shall be treated as a contribution order, and payments under it as contributions, for the purposes of the following enactments, that is to say—

in the principal Act, subsections (3) and (4) of section 86,  
sections 87(4), 89 and 102(1)(c),

the Maintenance Orders Act 1950,

the Maintenance Orders Act 1958,

paragraph 2 of Schedule 8 to the Local Government Act 1958.

(4) Where the person who was liable to make contributions resides in Scotland or Northern Ireland, subsection (1) of this section shall have effect as if for the magistrates' court therein mentioned there were substituted a magistrates' court acting for the petty sessions area where the applicant is for the time being residing or, where the applicant is a local authority, a magistrates' court acting for the area or part of the area of the local authority.

(5) A person liable to make payments under an arrears order shall, except at a time when he is under a duty to give information of his address under section 14(1) of this Act, keep the person to whom the payments are to be made informed of his address; and if he fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) In this section—

“child” has the same meaning as in the Children Act 1948,

“contributions” means contributions under section 86 of the principal Act, and

“contribution order” means an order under section 87 of the principal Act.



## PART I

*Increase of certain penalties*

Increase of  
penalty for  
cruelty.

**31.** In section 1 of the principal Act (cruelty to persons under sixteen) paragraph (b) of subsection (1) (which provides for a fine not exceeding twenty-five pounds on summary conviction) shall be amended, as respects offences committed after the commencement of this Act, by the substitution for the words "twenty-five pounds" of the words "one hundred pounds".

Increase of  
penalty for  
sales of  
tobacco, etc.,  
to persons  
under 16.

**32.** Section 7 of the principal Act and section 18 of the principal Scottish Act (which, in subsection (1), prohibit the sale of tobacco and cigarette papers to persons apparently under the age of sixteen and, in subsection (2), enable a court to order measures to be taken to prevent the use by such persons of automatic machines for the sale of tobacco) shall each be amended, as respects offences committed after the commencement of this Act, by substituting—

(a) in subsection (1) (which provides for fines not exceeding two, five and ten pounds on a first, second or subsequent conviction) for the words "two", "five" and "ten" the words "twenty-five", "fifty" and "one hundred", respectively; and

(b) in subsection (2) (which provides for fines not exceeding five pounds for failure to comply with the order of the court and further fines not exceeding one pound for each day during which the offence continues) for the words "five" and "one" the words "fifty" and "ten", respectively.

*New appeals*

New appeals.

**33.**—(1) Any person aggrieved by the decision of a juvenile court given after the commencement of this Act on an application under section 84(6) of the principal Act for the variation or revocation of an order committing a person to the care of a fit person may appeal against the decision to a court of quarter sessions.

(2) The grounds upon which a local authority named in an approved school order made after the commencement of this Act may appeal and the court substitute the name of another local authority under subsection (2) of section 90 of the principal Act shall include the ground that the person to whom the order relates is not known to have been resident within the district of any local authority and that the authority named in the order was not, but that other authority was, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose rendering him liable to be sent to an approved school.

## PART II

### EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

#### *General provisions as to employment*

**34.** For paragraph (c) of section 18(1) of the principal Act (which prohibits the employment of children before six o'clock in the morning or after eight o'clock in the evening) and for paragraph (c) of section 28(1) of the principal Scottish Act (which prohibits such employment before six o'clock in the morning or after seven o'clock in the evening, or at certain times of the year eight o'clock in the evening) there shall be substituted the following paragraph:—

“(c) before seven o'clock in the morning or after seven o'clock in the evening on any day; or”.

**35.**—(1) In section 20(1) of the principal Act (which, subject to certain exceptions, prohibits persons under the age of sixteen from engaging or being employed in street trading) for the word “sixteen”, in both places where it occurs, there shall be substituted the word “seventeen”.

(2) Nothing in the said section 20 or section 30 of the principal Scottish Act or in any byelaw made under either of those sections shall restrict the engagement or employment of any person in the carrying on in any place of a retail trade or business (within the meaning of the Shops Act 1950) on any occasion on which it is customary for retail trades or businesses to be carried on in that place.

(3) At the end of the said section 20 there shall be added the following subsection:—

“(3) No person under the age of eighteen shall on a Sunday engage or be employed in street trading of a description to which, notwithstanding section 58 of the Shops Act 1950 (which extends certain provisions to any place where a retail trade or business is carried on), those provisions do not extend.”

**36.** Section 21 of the principal Act and section 31 of the principal Scottish Act (which impose penalties for contraventions of the general provisions of those Acts as to employment) shall each be amended, as respects offences committed after the commencement of this Act, as follows:—

(a) in subsection (1) (which provides for fines not exceeding five pounds and twenty pounds for first and subsequent offences respectively) for the words “five pounds” there shall be substituted the words “twenty pounds” and for the words “twenty pounds” the words “fifty pounds”; and

## PART II

- (b) in subsection (3) (which provides for fines of twenty shillings and forty shillings for first and subsequent offences respectively) for the words "twenty shillings" there shall be substituted the words "ten pounds" and for the words "forty shillings" the words "twenty pounds".

*Entertainment*

Restriction  
on persons  
under 16  
taking part  
in public  
performances,  
etc.

**37.**—(1) Subject to the provisions of this section, a child shall not take part in a performance to which this section applies except under the authority of a licence granted by the local authority in whose area he resides or, if he does not reside in Great Britain, by the local authority in whose area the applicant or one of the applicants for the licence resides or has his place of business.

(2) This section applies to—

- (a) any performance in connection with which a charge is made (whether for admission or otherwise);
- (b) any performance in licensed premises within the meaning of the Licensing Act 1953 or the Licensing (Scotland) Act 1959 or in premises in respect of which a club is registered under the said Act of 1959 or the Licensing Act 1961;
- (c) any broadcast performance;
- (d) any performance recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition;

and a child shall be treated for the purposes of this section as taking part in a performance if he takes the place of a performer in any rehearsal or in any preparation for the recording of the performance.

(3) A licence under this section shall not be required for any child to take part in a performance to which this section applies if—

- (a) in the six months preceding the performance he has not taken part in other performances to which this section applies on more than three days; or
- (b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1944 or the Education (Scotland) Act 1962) or made by a body of persons approved for the purposes of this section by the Secretary of State or by the local authority in whose area the performance takes place, and no payment in respect of the child's taking part in the performance is made, whether to him or to any other person, except for defraying expenses;

but the Secretary of State may by regulations made by statutory instrument prescribe conditions to be observed with respect to the hours of work, rest or meals of children taking part in performances as mentioned in paragraph (a) of this subsection.

(4) The power to grant licences under this section shall be exercisable subject to such restrictions and conditions as the Secretary of State may by regulations made by statutory instrument prescribe and a local authority shall not grant a licence for a child to take part in a performance or series of performances unless they are satisfied that he is fit to do so, that proper provision has been made to secure his health and kind treatment and that, having regard to such provision (if any) as has been or will be made therefor, his education will not suffer; but if they are so satisfied, in the case of an application duly made for a licence under this section which they have power to grant, they shall not refuse to grant the licence.

(5) Regulations under this section may make different provision for different circumstances and may prescribe, among the conditions subject to which a licence is to be granted, conditions requiring the approval of a local authority and may provide for that approval to be given subject to conditions imposed by the authority.

(6) Without prejudice to the generality of the preceding subsection, regulations under this section may prescribe, among the conditions subject to which a licence may be granted, a condition requiring sums earned by the child in respect of whom the licence is granted in taking part in a performance to which the licence relates to be paid into the county court (or, in Scotland, consigned in the sheriff court) or dealt with in a manner approved by the local authority.

(7) A licence under this section shall specify the times, if any, during which the child in respect of whom it is granted may be absent from school for the purposes authorised by the licence; and for the purposes of the enactments relating to education a child who is so absent during any times so specified shall be deemed to be absent with leave granted by a person authorised in that behalf by the managers, governors or proprietor of the school or, in Scotland, with reasonable excuse.

(8) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**38.**—(1) A licence under the preceding section in respect of a child under the age of thirteen shall not be granted unless—

Restriction on licences for performances by children under 13.

(a) the licence is for acting and the application therefor is accompanied by a declaration that the part he is to act cannot be taken except by a child of about his age; or

## PART II

- (b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age ; or
- (c) the nature of his part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera and ballet.

(2) On the extension of the compulsory school age (or, in Scotland, school age) to sixteen years, that is to say—

- (a) in England and Wales, on the coming into force of an Order in Council under section 35 of the Education Act 1944 ; and
  - (b) in Scotland, on the coming into force of regulations under section 32 of the Education (Scotland) Act 1962 ;
- subsection (1) of this section shall have effect as if for the word “ thirteen ” there were substituted the word “ fourteen ”.

Supplementary provisions as to licences under section 37.

39.—(1) A licence under section 37 of this Act may be varied on the application of the person holding it by the local authority by whom it was granted or by any local authority in whose area the performance or one of the performances to which it relates takes place.

(2) The local authority by whom such a licence was granted. and any local authority in whose area the performance or one of the performances to which it relates takes place, may vary or revoke the licence if any condition subject to which it was granted is not observed or they are not satisfied as to the matters mentioned in subsection (4) of the said section 37, but shall, before doing so, give to the holder of the licence such notice (if any) of their intention as may be practicable in the circumstances.

(3) Where a local authority grant such a licence authorising a child to take part in a performance in the area of another local authority they shall send to that other authority such particulars as the Secretary of State may by regulations made by statutory instrument prescribe ; and where a local authority vary or revoke such a licence which was granted by, or relates to a performance in the area of, another local authority, they shall inform that other authority.

(4) A local authority proposing to vary or revoke such a licence granted by another local authority shall, if practicable, consult that other authority.

## PART II

(5) The holder of such a licence shall keep such records as the Secretary of State may by regulations made by statutory instrument prescribe and shall on request produce them to an officer of the authority who granted the licence, at any time not later than six months after the performance or last performance to which it relates.

(6) Where a local authority refuse an application for a licence under section 37 of this Act or revoke or, otherwise than on the application of the holder, vary such a licence they shall state their grounds for doing so in writing to the applicant or, as the case may be, the holder of the licence; and the applicant or holder may appeal to a magistrates' court or, in Scotland, the sheriff, against the refusal, revocation or variation, and against any condition subject to which the licence is granted or any approval is given, not being a condition which the local authority are required to impose.

(7) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**40.—(1) If any person—**

**Offences.**

- (a) causes or procures any child or, being his parent or guardian, allows him, to take part in any performance in contravention of section 37 of this Act; or
- (b) fails to observe any condition subject to which a licence under that section is granted, or any condition prescribed under subsection (3) of that section; or
- (c) knowingly or recklessly makes any false statement in or in connection with an application for a licence under that section;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both.

(2) If any person fails to keep or produce any record which he is required to keep or produce under section 39 of this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds or imprisonment for a term not exceeding three months or both.

(3) The court by which the holder or one of the holders of a licence under section 37 of this Act is convicted of an offence under this section may revoke the licence.

(4) In any proceedings for an offence under this section alleged to have been committed by causing, procuring or allowing a child to take part in a performance without a licence under section 37 of this Act it shall be a defence to prove that the accused believed that the condition specified in paragraph (a) of subsection (3) of that section was satisfied and that he had reasonable grounds for that belief.



**PART II**  
 Licences for  
 training  
 persons  
 between 12  
 and 16 for  
 performances  
 of a  
 dangerous  
 nature.

**41.**—(1) The power to grant licences under section 24 of the principal Act (which relates to the training of persons under the age of sixteen to take part in performances of a dangerous nature) shall be exercisable by the local authority for the area or one of the areas in which the training is to take place instead of by a magistrates' court.

(2) A licence under the said section 24 or under section 34 of the principal Scottish Act (which makes provision in Scotland similar to that made in England and Wales by the said section 24 as amended by subsection (1) of this section) may be revoked or varied by the authority who granted it if any of the conditions embodied therein are not complied with or if it appears to them that the person to whom the licence relates is no longer fit and willing to be trained or that proper provision is no longer being made to secure his health and kind treatment.

(3) Where an authority refuse an application for such a licence or revoke or vary such a licence they shall state their grounds for doing so in writing to the applicant, or, as the case may be, to the holder of the licence, and the applicant or holder may appeal to a magistrates' court or, in Scotland, to the sheriff, against the refusal, revocation or variation.

Licences for  
 children and  
 young persons  
 performing  
 abroad.

**42.**—(1) Section 25 of the principal Act (which prohibits persons under eighteen from going abroad for the purpose of performing for profit except under the authority of a licence granted under that section) and section 26 of that Act (which imposes penalties for contraventions) shall have effect as if the words "singing, playing, performing or being exhibited" included taking part in any such performance as is mentioned in paragraph (c) or (d) of section 37(2) of this Act.

(2) A licence under the said section 25 may be granted in respect of a person notwithstanding that he is under the age of fourteen if—

- (a) the engagement which he is to fulfil is for acting and the application for the licence is accompanied by a declaration that the part he is to act cannot be taken except by a person of about his age; or
- (b) the engagement is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age; or
- (c) the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his part in the performance is wholly or mainly musical.

**43.** For subsection (2) of section 28 of the principal Act and for subsection (2) of section 36 of the principal Scottish Act there shall be substituted the following subsection:—

PART II  
Extended  
powers of  
entry.

“(2) Any authorised officer of the said authority or any constable may—

- (a) at any time enter any place used as a broadcasting studio or film studio or used for the recording of a performance with a view to its use in a broadcast or in a film intended for public exhibition and make inquiries therein as to any children taking part in performances to which section 37 of the Children and Young Persons Act 1963 applies;
- (b) at any time during the currency of a licence granted under the said section 37 or under the provisions of this Part of this Act relating to training for dangerous performances enter any place (whether or not it is such a place as is mentioned in paragraph (a) of this subsection) where the person to whom the licence relates is authorised by the licence to take part in a performance or to be trained, and may make inquiries therein with respect to that person.”

### *Construction of Part II*

**44.**—(1) This Part of this Act, in its application to England and Wales, and, as regards section 42, in its application elsewhere, shall be construed, and Part II of the principal Act shall have effect, as if this Part were included in that Part.

Construction  
of Part II.

(2) This Part of this Act, except section 42, shall, in its application to Scotland, be construed as if it were included in Part III of the principal Scottish Act and as if references to a local authority were references to an education authority; and the said Part III shall have effect as if this Part of this Act (except section 42) were included in it.

## PART III

### MISCELLANEOUS AND GENERAL

#### *Research and financial assistance*

**45.**—(1) The Secretary of State may conduct or assist other persons in conducting research into any matter connected with his functions or the functions of local authorities under the Children and Young Persons Acts 1933 to 1956, the Children and Young Persons (Scotland) Acts 1937 and 1956, the Children Act 1948, the Children Act 1958 or this Act, or any matter connected with the adoption of children.

Research.

## PART III

(2) Any local authority may conduct or assist other persons in conducting research into any matter connected with their functions under the enactments mentioned in subsection (1) of this section or their functions connected with the adoption of children.

Financial assistance under s. 20 of Children Act 1948.

**46.**—(1) In subsection (1) of section 20 of the Children Act 1948 (which authorises a local authority to contribute towards the cost of accommodation and maintenance of certain persons over the age of eighteen who have been in the care of a local authority) after the word “being” there shall be inserted the words “either a person who has attained the age of seventeen but has ceased to be in the care of a local authority, or”.

(2) In subsection (2) of the said section 20 (which authorises a local authority to make grants towards the education or training of certain persons over the age of eighteen who immediately before they attained that age were in the care of a local authority) for the word “eighteen”, in the first place where it occurs, there shall be substituted the word “seventeen” and for the words “immediately before they attained the age of eighteen” there shall be substituted the words “at or after the time when they attained the age of seventeen”.

Power of local authority to guarantee apprenticeship deeds etc. of persons in their care.

**47.** While a person is in the care of a local authority under the principal Act, the principal Scottish Act or the Children Act 1948 or by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates’ Courts) Act 1960, the local authority may undertake any obligation by way of guarantee under any deed of apprenticeship or articles of clerkship entered into by that person; and where the local authority have undertaken any such obligation under any deed or articles they may at any time (whether or not the person concerned is still in their care) undertake the like obligation under any deed or articles supplemental thereto.

*Children in respect of whom parental rights may be or have been assumed by local authority*

Extension of power of local authority to assume parental rights.

**48.**—(1) Where, after a child has been received into the care of a local authority under section 1 of the Children Act 1948, the whereabouts of any parent or guardian of his have remained unknown for not less than twelve months, then, for the purposes of section 2 of that Act (which enables a local authority in certain circumstances to assume parental rights) the parent or guardian shall be deemed to have abandoned the child.

(2) The power of a local authority under paragraph (b) of section 2(1) of the Children Act 1948 to resolve that all rights and powers of a parent or guardian shall vest in them may be

exercised, as well as in the cases mentioned in that paragraph, in any case where it appears to them— PART III

- (a) that the parent or guardian suffers from a mental disorder (within the meaning of the Mental Health Act 1959 or the Mental Health (Scotland) Act 1960) which renders him unfit to have the care of the child ; or
- (b) that the parent or guardian has so persistently failed without reasonable cause to discharge the obligations of a parent or guardian as to be unfit to have the care of the child ;

and the power of the court or sheriff, under subsection (3) of that section, to order that the resolution shall not lapse may also be exercised if the court or sheriff is satisfied that the person who objected to the resolution is unfit to have the care of the child by reason of his persistent failure to discharge the obligations of a parent or guardian.

(3) In this section “child” has the same meaning as in the Children Act 1948.

**49.**—(1) Where a local authority have, in accordance with section 3(3) of the Children Act 1948, allowed any person to take over the care of a child with respect to whom a resolution under section 2 of that Act is in force and have by notice in writing required that person to return the child at a time specified in the notice (which, if that person has been allowed to take over the care of the child for a fixed period, shall not be earlier than the end of that period) any person who harbours or conceals the child after that time or prevents him from returning as required by the notice shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both. Harbouring or concealing child required to return to local authority.

(2) In this section “child” has the same meaning as in the Children Act 1948.

**50.** A court may entertain an application under section 4(2A) of the Guardianship of Infants Act 1925 to appoint a guardian of an infant notwithstanding that, by virtue of a resolution under section 2 of the Children Act 1948, a local authority have parental rights with respect to him ; but where on such an application the court appoints a guardian the resolution shall cease to have effect. Extension of power to appoint guardian.

#### *Persons under supervision changing country of residence*

**51.**—(1) Where a court in England or Wales is satisfied that a child or young person in respect of whom it would otherwise make a supervision order under the principal Act resides or will reside in Scotland, the court shall, instead of making such an order, make an order specifying a court of summary jurisdiction Supervision of persons moving to Scotland.

## PART III

having jurisdiction in the place in Scotland in which the child or young person will reside and placing him for a specified period not exceeding three years under the supervision of such probation officer or other person as may be appointed by that court; and in any area of Scotland to which section 50 of the principal Scottish Act applies the court specified under this subsection shall be the court constituted for that area under the provisions of section 51 of that Act.

(2) Where a juvenile court in England or Wales is satisfied that a person in respect of whom a supervision order under the principal Act has been made proposes to reside or is residing in Scotland then, instead of amending the order in accordance with Schedule 1 to this Act, the court shall discharge it and make an order under subsection (1) of this section, specifying as the period for which that person will be under supervision the remainder of the period specified in the supervision order.

(3) The court of summary jurisdiction in Scotland specified in an order under this section shall appoint a probation officer or some other person under whose supervision the child or young person shall be placed; and thereafter the order made under this section shall be treated for the purposes of the principal Scottish Act as a supervision order under that Act.

Supervision  
orders by  
Scottish  
courts in  
respect of  
persons  
residing in  
England.

**52.**—(1) Where a court in Scotland is satisfied that a child or young person in respect of whom it would otherwise make a supervision order under the principal Scottish Act resides or will reside in England or Wales, the court shall, instead of making such an order, make an order naming the petty sessions area in which the child or young person will reside and placing him for a specified period not exceeding three years under the supervision of a probation officer in England or Wales.

(2) Where a court in Scotland is satisfied that a person in respect of whom a supervision order under the principal Scottish Act has been made proposes to reside or is residing in England or Wales the court shall discharge that order and make an order under subsection (1) of this section, specifying as the period for which that person will be under supervision the remainder of the period specified in the supervision order.

(3) An order made under the preceding provisions of this section shall be treated for the purposes of the principal Act and this Act as a supervision order under the principal Act.

(4) In this section “petty sessions area” includes a division of the metropolitan area referred to in Part II of Schedule 2 to this Act.

*Children and young persons escaping to other parts of  
British Islands*

PART III

**53.**—(1) The power to arrest and bring back any person which is conferred by any of the following provisions relating to persons escaping, taken away or absent after being sent to a remand home, special reception centre or approved school or after being committed to the care of a fit person, that is to say—

Arrest in one part of British Islands of children or young persons escaping in other part.

- (a) sections 78(4), 82(1) and 85 of the principal Act; and
- (b) sections 82(4), 86(1) and 89 of the principal Scottish Act;

shall be exercisable also—

- (i) in Northern Ireland, the Channel Islands or the Isle of Man; and
- (ii) in relation to persons sent to a remand home or training school or committed to the care of a fit person under the Children and Young Persons Act (Northern Ireland) 1950 or any enactment of the Parliament of Northern Ireland for the time being in force (including persons so committed and boarded out).

(2) Any person who knowingly harbours or conceals any such person as is mentioned in paragraph (ii) of the preceding subsection or prevents him from returning shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months or both.

(3) Every person who is authorised by the managers of a training school within the meaning of the Children and Young Persons Act (Northern Ireland) 1950 to arrest a person under their care and bring him back to his school shall, for the purpose of acting on that authority, have all the powers, protection and privileges—

- (a) in Great Britain or the Isle of Man, of a constable;
- (b) in Jersey, of a member of the police;
- (c) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.

*Amendment of Adoption Act 1958*

**54.**—(1) Section 9 of the Adoption Act 1958 (which enables Adoption Rules within the meaning of that Act to be made with respect to matters arising out of Part I thereof) shall have effect as if—

Extension of scope of Adoption Rules.

- (a) in subsection (3) thereof the reference to Part I of that Act included references to sections 34 and 35 thereof



## PART III

(under which the right of a parent, adoption society or local authority to remove an infant from the care and possession of a person who has applied for an adoption order cannot be exercised without the leave of the court); and

- (b) subsection (5) thereof included applications for the leave of the court under the said section 34 or the said section 35 among the applications for the hearing and determination of which otherwise than in open court provision may be made by Adoption Rules.

(2) In the application of this section to Scotland, the references to section 9 of the Adoption Act 1958 and to subsections (3) and (5) thereof shall be construed as references to section 11 of that Act and subsections (2) and (3) thereof, and references to Adoption Rules shall be construed as references to an act of sederunt made in pursuance of the said subsection (2).

Emigration  
with consent  
of Secretary  
of State.

55. Section 52 of the Adoption Act 1958 (which, subject to exceptions, requires the authority of a provisional adoption order for the taking or sending abroad for adoption of infants who are British subjects) shall not apply in the case of any infant emigrating under the authority of the Secretary of State given under section 84(5) of, or paragraph 7 of Schedule 4 to, the principal Act, section 88 (5) of, or paragraph 7 of Schedule 2 to, the principal Scottish Act, or section 17 of the Children Act 1948 (which relate to the emigration of persons who have been committed to the care of a fit person or sent to an approved school or are in the care of a local authority).

#### Miscellaneous

Prosecution  
of offences  
under Part I  
or Part II of  
principal Act.

56.—(1) Without prejudice to section 98 of the principal Act (which authorises a local education authority to institute proceedings for an offence under Part I or Part II of that Act) any such proceedings may be instituted by the council of a county or county borough, whether or not the council are the local education authority, and may, where the council are the local education authority, be instituted by them otherwise than in that capacity.

(2) So much of subsection (5) of section 85 of the Local Government Act 1933 and subsection (2) of section 39 of the Children Act 1948 as restricts the matters that may be referred to or dealt with by committees established under those sections respectively shall not apply in relation to any functions exercisable by a council in pursuance of this section.

Newspaper  
and broadcast  
reports of  
proceedings  
involving  
children  
and young  
persons.

57.—(1) In section 39 of the principal Act and in section 46 of the principal Scottish Act (which empower a court to prohibit the publication in newspapers of pictures or matter leading to the identification of children and young persons concerned in certain proceedings) the words "which arise out of any offence

against, or any conduct contrary to, decency or morality" shall be omitted and for the word "against" in paragraph (a) there shall be substituted the words "by or against".

PART III

(2) Section 49 of the principal Act and section 54 of the principal Scottish Act (which restrict newspaper reports of proceedings in juvenile courts) shall, with the necessary modifications, apply in relation to any proceedings on appeal from a juvenile court (including an appeal by case stated or, in Scotland, stated case) as they apply in relation to proceedings in a juvenile court.

(3) In the said section 39 the expression "court" shall include any court in Scotland and in the said section 46 that expression shall include any court in England and Wales, and—

(a) in the said section 49 references to a juvenile court shall be construed as including references to a juvenile court as defined in section 50(5) of the principal Scottish Act or constituted in accordance with section 51 of that Act; and

(b) in the said section 54 references to a juvenile court shall be construed as including references to a juvenile court constituted in accordance with the principal Act.

(4) The said sections 39 and 49 and the said sections 46 and 54 shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

**58.** Where a person was at or after the time when he attained the age of seventeen in the care of a local authority under the Children Act 1948, the principal Act or the principal Scottish Act, or by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates' Courts) Act 1960, but has ceased to be in their care, then, while he is under the age of twenty-one, the local authority, if so requested by him, may cause him to be visited, advised and befriended and, in exceptional circumstances, to be given financial assistance.

Powers of local authority to visit and assist persons formerly in their care.

**59.**—(1) The Secretary of State may, after consulting such local authorities or associations of local authorities as he thinks fit, by statutory instrument make regulations providing, in such cases as may be prescribed by the regulations, for the recovery, by a local authority providing a remand home from such other local authority as may be so prescribed, of such sum in respect of a person detained in the remand home as may be determined in accordance with a rate prescribed from time to time by order made by the Secretary of State by statutory instrument; and any such order may prescribe different rates for different circumstances.

Adjustment between local authorities of expenses of maintaining persons in remand homes.

## PART III

(2) No sum shall be recoverable under such regulations in any case where the expenses of maintaining the person detained in the remand home are treated under section 11(3) of this Act as if they were expenses incurred by the authority as managers of an approved school or are recoverable under section 51(3) of the Children Act 1948 (which provides for the recovery of expenses where a child is removed to a place of safety); but where regulations under this section are in force, any expenses incurred by a local authority in maintaining a person in a remand home and recoverable under the said section 51(3) shall for the purposes of that section be taken to be equal to such sum as might, but for this subsection, be recoverable in respect of that person under the regulations.

(3) Any payment by a local authority which is made or determined in pursuance of this section shall be treated for the purposes of Schedule 1 to the Local Government Act 1958 or, as the case may be, Schedule 1 to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 as expenses incurred in respect of remand homes (and accordingly as excluded from relevant expenditure for the purposes of general grants).

(4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Supplementary provisions*

Expenses.

**60.** There shall be paid out of moneys provided by Parliament any expenses incurred by the Secretary of State under this Act and any increase attributable to this Act in the moneys so payable under any other enactment.

Effect of Act  
on general  
grants in  
England and  
Wales.

**61.—(1)** Any expenditure incurred by virtue of this Act by the council of a county or county borough shall be relevant expenditure for the purposes of sections 2 and 3 of the Local Government Act 1958 (which relate to general grants) whether or not it is expenditure specified in Part I of Schedule 1 to that Act, unless it is expenditure excluded by any provision of Part II of that Schedule.

(2) The Minister of Housing and Local Government shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of any general grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

(3) Any order made by virtue of this section may be made for all or any of the years comprised in the said grant period, as

may be specified in the order, and in respect of the year or years so specified shall—

(a) increase the annual aggregate amount of the general grants, and

(b) vary any other matter prescribed by the said general grant order,

to such extent and in such manner as may appear to the Minister of Housing and Local Government to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or county boroughs in consequence of the passing of this Act.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 2(4) of the Local Government Act 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

(5) In this section the expressions “general grant order” and “grant period” have the meanings respectively assigned to them by subsection (6) and subsection (7) of section 1 of the Local Government Act 1958.

62.—(1) Any expenditure incurred by virtue of this Act by the council of a county or of a large burgh shall be relevant expenditure for the purposes of sections 2 and 3 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (which relate to general grants) whether or not it is expenditure specified in Schedule 1 to that Act.

Effect of Act on general grants in Scotland.

(2) The Secretary of State shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of any general grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

(3) Any order made by virtue of this section may be made for all or any of the years comprised in the said grant period, as may be specified in the order, and in respect of the year or years so specified shall increase the annual aggregate amount of the general grants to such extent as may appear to the Secretary of State to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or of large burghs in consequence of the passing of this Act.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 2(2) of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

## PART III

(5) In this section the expressions “general grant order” and “grant period” have the meanings respectively assigned to them by subsection (5) and subsection (6) of section 1 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.

(6) This section extends to Scotland only.

## Interpretation.

**63.**—(1) In this Act “the principal Act” means the Children and Young Persons Act 1933 and “the principal Scottish Act” means the Children and Young Persons (Scotland) Act 1937.

(2) References in this Act to any enactment are references thereto as amended and include references thereto as applied, by any other enactment including, except where the context otherwise requires, any enactment contained in this Act.

Amendments,  
transitional  
provisions,  
and repeals.

**64.**—(1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified therein.

(2) This Act shall have effect subject to the transitional provisions contained in Schedule 4 to this Act.

(3) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Citation,  
construction,  
commence-  
ment and  
extent.

**65.**—(1) This Act may be cited as the Children and Young Persons Act 1963.

(2) This Act and the Children and Young Persons Acts 1933 to 1956 may be cited as the Children and Young Persons Acts 1933 to 1963, and this Act and the Children and Young Persons (Scotland) Acts 1937 and 1956 may be cited as the Children and Young Persons (Scotland) Acts 1937 to 1963.

(3) This Act, except in so far as it amends any Act not construed as one with the principal Act or the principal Scottish Act, shall be construed, in its application to England and Wales, as one with the principal Act and, in its application to Scotland, as one with the principal Scottish Act.

(4) The following provisions of this Act do not extend to Scotland, that is to say, Part I except sections 1, 10 and 32, sections 56 and 61, and Schedules 1 and 2 and Schedule 4 except paragraph 3.

(5) Subsections (1) and (2) of section 10 and sections 42 and 53(1) of this Act, paragraphs 7, 8, 27, 34 and 50 of Schedule 3, and so much of Schedule 5 as relates to section 25 and section 26 of the principal Act, extend to Northern Ireland.

(6) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

## SCHEDULES

Section 5.

## SCHEDULE 1

## SUPERVISION ORDERS

*Contents and duration of supervision orders*

1. Subject to the provisions of this Schedule, a supervision order may contain such provisions as the court, having regard to the particular circumstances of the case, considers necessary for effecting the purpose of the order.

2. A supervision order shall cease to have effect when the person placed under supervision attains the age of eighteen.

*Discharge and amendment*

3.—(1) A juvenile court may, upon the application of the person under supervision, or of the person under whose supervision he is, discharge the supervision order.

(2) Without prejudice to its power under the preceding sub-paragraph, where an order is in force committing the person under supervision to the care of a fit person, the juvenile court may discharge the supervision order on the application of that person or, where the other order is revoked, without any application.

4.—(1) Subject to sub-paragraph (2) of this paragraph, if a juvenile court is satisfied that a person under supervision proposes to change, or has changed, his residence to another petty sessions area, the court may, and if an application in that behalf is made by the person under whose supervision he is shall, by order amend the supervision order by substituting for the petty sessions area named therein (or, as the case may be, by inserting therein) the petty sessions area where the person under supervision proposes to reside or is residing.

(2) If the supervision order contains requirements which, in the opinion of the court, cannot be complied with unless the person under supervision continues to reside in the same petty sessions area, the court shall not amend the order as aforesaid unless, in accordance with the following provisions of this Schedule, it cancels those requirements or substitutes therefor other requirements which can be so complied with.

5.—(1) Subject to sub-paragraph (2) of this paragraph, a juvenile court may, on the application of any person, by order amend a supervision order—

(a) by substituting for the supervision of a probation officer supervision by a person appointed for the purpose by the court; or

(b) by substituting for the supervision of a person appointed for the purpose by the court supervision by some other person so appointed or supervision by a probation officer; or



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- (c) by cancelling any of the requirements of the order or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by the court.

(2) A court shall not amend a supervision order under this paragraph—

- (a) by reducing the period of supervision specified in the order, or by extending that period beyond the end of three years from the date of the original order ; or
- (b) by inserting therein a requirement that the person under supervision shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.

6.—(1) Where an application for the discharge or amendment of a supervision order made in respect of any person is made by the person under whose supervision he is, the applicant may, for the purpose of the application, bring the person under supervision before the court.

(2) Where a court proposes to amend a supervision order by imposing a requirement that the person under supervision shall reside in an institution or submit to treatment for his mental condition the court shall summon the person under supervision to appear before the court.

#### *Requirements as to residence and treatment*

7. A supervision order may not contain any requirement as to the place of residence of the person placed under supervision or as to treatment for his mental condition unless he either is under the age of fourteen or consents to the requirement.

8. The period for which a person may be required by a supervision order to reside in an approved probation hostel, an approved probation home or any other institution or to submit to treatment for his mental condition shall not exceed twelve months.

9. A supervision order requiring the person under supervision to submit to treatment for his mental condition shall specify one of the following as the treatment required, that is to say—

- (a) treatment as a resident patient in a hospital or mental nursing home within the meaning of the Mental Health Act 1959, but not in a special hospital within the meaning of that Act ;
- (b) treatment as a non-resident patient at an institution or place specified in the order ; or
- (c) treatment by or under the direction of a fully registered medical practitioner specified in the order.

10. Where a medical practitioner by whom or under whose direction a person (in this paragraph referred to as “ the patient ”) is being

treated for his mental condition in pursuance of any requirement of a supervision order is of opinion—

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- (a) that the treatment should be continued beyond the period specified in that behalf in the order ; or
- (b) that the patient needs different treatment ; or
- (c) that the patient is not susceptible to treatment ; or
- (d) that the patient does not require further treatment ;

or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the patient, he shall make a report in writing to that effect to the person under whose supervision the patient is and that person shall apply to a juvenile court for the variation or cancellation of the requirement.

#### *Selection of probation officers*

11. The probation officer under whose supervision a person is to be placed shall be selected under arrangements made by the probation committee.

12. If the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another person should take his place, another probation officer shall be selected in like manner.

13. The probation officer under whose supervision a girl is placed shall be a woman.

#### *Notification of orders*

14. The court by which a supervision order is made or amended shall forthwith give or send a copy of its order—

- (a) to the person under supervision ; and
- (b) to the person under whose supervision he is placed ; and
- (c) where the person under supervision is required to reside in an institution, to the person in charge of the institution ; and
- (d) where the person under supervision is required to reside in an institution which is neither an approved probation hostel or home nor a mental nursing home or hospital within the meaning of the Mental Health Act 1959 in which he is required to reside for the purpose of treatment as a resident patient, to the Secretary of State ; and
- (e) where the petty sessions area named in the order is not the petty sessions area for which the court acts, to the clerk to the justices for the petty sessions area named in the order ;

and, in the case mentioned in sub-paragraph (e) of this paragraph, shall also send to the clerk to the said justices such documents and information relating to the case as the court considers likely to be of assistance to them.

## Section 17.

## SCHEDULE 2

## CONSTITUTION OF JUVENILE COURTS

## PART I

## OUTSIDE METROPOLITAN AREA

*Juvenile court panels*

1. The following provisions of this Part of this Schedule shall have effect as respects any area outside the metropolitan stipendiary court area and the City of London.

2. A justice shall not be qualified to sit as a member of a juvenile court unless he is a member of a juvenile court panel, that is to say, a panel of justices specially qualified to deal with juvenile cases.

3. Subject to the following provisions of this Part of this Schedule, a juvenile court panel shall be formed for every petty sessions area.

*Combined juvenile court panels*

4. A magistrates' courts committee may make recommendations to the Secretary of State—

(a) for the formation of a combined juvenile court panel for two or more petty sessions areas, or

(b) for the dissolution of any such combined juvenile court panel,

if the committee's area comprises at least one of the petty sessions areas concerned.

5. It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the Secretary of State, to review the functioning of juvenile courts in their area and on completion of the review to submit to the Secretary of State either a report making such recommendations as are mentioned in paragraph 4 of this Schedule or a report giving reasons for making no such recommendations.

6. Subject to the provisions of this Schedule—

(a) where a magistrates' courts committee make such recommendations to the Secretary of State, he may make an order giving effect to them subject to any modifications he thinks fit; and

(b) where a magistrates' courts committee fail to comply within six months with a direction of the Secretary of State under the preceding paragraph, or the Secretary of State is dissatisfied with the report submitted in pursuance of such a direction, he may make such order as he thinks fit for the purposes mentioned in paragraph 4 of this Schedule.

*Effect of order establishing combined panel*

7. Where a combined juvenile court panel is formed for any petty sessions areas any justice who is a member of the panel may exercise in relation to each of the areas any jurisdiction exercisable by him as a member of a juvenile court.

*Restrictions on formation of combined panels*

SCH. 2

8. No order under this Schedule shall provide for the formation of a combined juvenile court panel for an area which includes—

- (a) a county or part of a county and the whole or part of another county; or
- (b) two county boroughs.

9. An order under this Schedule providing for the formation of a combined juvenile court panel for an area which comprises a borough having a separate magistrates' courts committee shall not be made except with the consent of every magistrates' courts committee the whole or part of whose area is included in the area for which the combined panel is formed.

*Consultations and notices*

10. A magistrates' courts committee, before submitting recommendations for an order under this Schedule, shall consult and, when submitting any such recommendations, shall give notice to—

- (a) the justices acting for any petty sessions area concerned which is within the committee's area (except where the committee's area is a borough); and
- (b) any other magistrates' courts committee the whole or part of whose area is concerned;

and shall also consult the said justices before commenting on any recommendations on which they are consulted under this paragraph by another magistrates' courts committee.

11. Where the Secretary of State proposes to make an order under this Schedule in a case where either no recommendations have been made to him or the proposed order departs from the recommendations made to him, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to the justices acting for any petty sessions area concerned.

12. Where notice of recommendations or a copy of a proposed order is required to be sent under the preceding paragraphs to any justices or committee, the Secretary of State shall, before making an order, consider any representations made to him by the justices or committee, or by any juvenile court panel concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

**PART II****METROPOLITAN AREA**

13. The following provisions of this Part of this Schedule shall have effect as respects the metropolitan stipendiary court area and the City of London (in this Part of this Schedule referred to as the metropolitan area).

SCH. 2 14. Juvenile courts shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the Secretary of State may by order specify, without prejudice, however, to their jurisdiction with respect to the whole area.

15. Subject to the following provisions of this Schedule—

- (a) each juvenile court shall consist of a chairman and two other members and shall have both a man and a woman among its members ;
- (b) the chairman shall be a person nominated by the Secretary of State to act as chairman of juvenile courts for the metropolitan area and shall be either a metropolitan stipendiary magistrate or a justice of the peace for the county of London selected, in such manner as may be provided by an order of the Secretary of State, from a panel of such justices from time to time nominated by him ; and
- (c) the other members shall be justices so selected from that panel.

16. If at any time, by reason of illness or other emergency, no person nominated under paragraph 15(b) of this Schedule is available to act as chairman of a juvenile court, any metropolitan stipendiary magistrate or, with the consent of the Secretary of State, any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.

17. Where it appears to the chairman that a juvenile court cannot, without adjournment, be fully constituted, and that an adjournment would not be in the interests of justice, the chairman may sit with one other member (whether a man or a woman) or, if a metropolitan stipendiary magistrate, may sit alone.

18. The Secretary of State, in nominating any persons under this Part of this Schedule, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases ; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

19. The enactments relating to the provision of land and buildings required for the purposes of metropolitan magistrates' courts shall extend and be deemed always to have extended to the provision of land and buildings required for the purposes of juvenile courts constituted for the metropolitan area.

### PART III

#### GENERAL

20. An order of the Secretary of State under this Schedule shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.

21. Any such order may contain supplementary, incidental and consequential provisions.

## SCHEDULE 3

Section 64.

## MINOR AND CONSEQUENTIAL AMENDMENTS

*The principal Act*

1. In section 1(1), the words "or in default of payment of such a fine" shall be omitted in both places where they occur.

2. In section 3, the words "or in default of payment of such a fine" shall be omitted.

3. In section 4(1), the words "or in default of payment of such a fine" shall be omitted.

4. For subsection (3) of section 18 there shall be substituted the following subsection:—

"(3) Nothing in this section, or in any byelaw made under this section, shall prevent a child from taking part in a performance—

(a) under the authority of a licence granted under this Part of this Act; or

(b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance."

5. In section 23, for the words "public performance" there shall be substituted the words "performance to which section 37 of the Children and Young Persons Act 1963 applies and".

6.—(1) In subsection (2) of section 24 for the words "petty sessional court" there shall be substituted the words "local authority".

(2) In subsection (4) of that section for the word "court", in both places where it occurs, there shall be substituted the word "authority".

7. In the proviso to section 25(1), for the words "Great Britain and Ireland" there shall be substituted the words "the United Kingdom".

8. In section 26(1), the words "or in default of payment of such a fine" shall be omitted.

9. In section 28(1) for the words "an entertainment or performance" there shall be substituted the words "a performance".

10. In section 29(3), for the words "The said provisions" there shall be substituted the words "The provisions of this Part of this Act relating to employment".

11. In section 40(1), for the words from "to take him" to "detain him there" there shall be substituted the words "to take him to a place of safety, or authorising any constable to remove him with or without search to a place of safety, and a child or young person taken to a place of safety in pursuance of such a warrant may be detained there".

12. In section 48(1), the words "or an application relating to" and the words "or application" shall be omitted.



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13. In section 53(4), for the words “shall return” there shall be substituted the words “may be arrested without warrant by any constable and taken”; and the words from “and if he fails” to the end of the section shall be omitted.

14.—(1) In subsection (1) of section 56, for the words “if it thinks fit” there shall be substituted the words “and, if it is not a juvenile court, shall unless satisfied that it would be undesirable to do so”.

(2) For subsection (2) of that section there shall be substituted the following subsection:—

“(2) Where any case is so remitted—

(a) the offender shall have the same right of appeal against any order of the court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission; and

(b) any appeal against the finding of guilt shall, if the finding was made by a juvenile or other magistrates’ court, be made to the court of quarter sessions having jurisdiction to hear an appeal under paragraph (a) of this subsection.”

15. In section 58, for the words “for the detention of the person to whom it relates” there shall be substituted the words “for his detention in that approved school or in such other approved school as the Secretary of State may from time to time determine”.

16. After subsection (2A) of section 62 there shall be inserted the following subsection:—

“(2B) A person of or over the age of sixteen who is or has been married shall not be brought before or dealt with by a juvenile court under this section.”

17.—(1) In section 67(1), after the words “committed, or” there shall be inserted the words “any person”.

(2) In section 67(2), after the words “five foregoing sections” there shall be inserted the words “or subsection (8) of section 84 of this Act”.

18. In subsections (2) and (7) of section 70, for the words from “by reason of” to “education” there shall be substituted the words “in respect of a person brought before a juvenile court under section 40A of the Education Act 1944”.

19. In section 73, the words “under the foregoing provisions of this Act” shall be omitted and at the end of the proviso there shall be added the words “nor to a person detained under this section or under section 17 of the Criminal Justice Act 1961”.

20.—(1) In subsection (1) of section 84, after the words “in this section” there shall be inserted the words “and the next following section”.

(2) In subsection (6) of that section the words “upon the application of any person” shall be omitted.

21. In section 85(1), for the words from “who, having no parent” to the end of the subsection there shall be substituted the words “beyond the control of his parent or guardian”.

22. In section 90(5), the following shall be substituted for paragraph (b):—

“(b) is made in respect of a person brought before a juvenile court under section 40A of the Education Act 1944”.

23. In section 102(1)(a), after the words “probation officer or other person” there shall be inserted the words “(including an order under section 51(1) of the Children and Young Persons Act 1963)”.

24. In section 107(1), the words “and the City of London” shall be added at the end of the definition of “metropolitan police court area”.

25. For sub-paragraph (1) of paragraph 9 of Schedule 4 there shall be substituted the following sub-paragraph:—

“(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged or, with the consent of the Secretary of State concerned with the administration of the Children and Young Persons (Scotland) Act 1937, to be transferred to the care of the managers of a school in Scotland which is an approved school within the meaning of that Act; and may, without prejudice to his power to determine the school in which any person is to be detained at any time, order a person not detained but under the care of the managers of an approved school to be transferred to the care of the managers of another approved school.”

26. For sub-paragraph (3) of paragraph 12 of Schedule 4 there shall be substituted the following sub-paragraph:—

“(3) A local authority for the purposes of Parts III and IV of this Act shall, if requested to do so by the managers of an approved school, cause to be visited, advised and befriended any person who is or is likely to be in their area while out under supervision from that school, any person detained in or out under supervision from that school whose parent or guardian is in their area, and any person in their area who may be visited, advised and befriended in pursuance of paragraph 7 of Schedule 2 to the Criminal Justice Act 1961.”

27. In paragraph 13 of Schedule 4, for the words from “powers, protection and privileges” to the end of the paragraph there shall be substituted the words “powers, protection and privileges—

- (i) in the United Kingdom or the Isle of Man, of a constable;
- (ii) in Jersey, of a member of the police;
- (iii) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.”

#### *The Summary Jurisdiction (Appeals) Act 1933*

28. In section 8(1), after the words “to which this Act applies” there shall be inserted the words “and with respect to cases of persons committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959”.

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*The principal Scottish Act*

29.—(1) In subsection (1) of section 28, for paragraph (a) there shall be substituted the following paragraph:—

“(a) if he is under the age of thirteen years, or if, after the coming into force of regulations under section 32(2) of the Education (Scotland) Act 1962, he is under the age of fourteen years”.

(2) For subsection (3) of that section there shall be substituted the following subsection:—

“(3) Nothing in this section or in any byelaw made under this section shall prevent a child from taking part in a performance—

(a) under the authority of a licence granted under this Part of this Act; or

(b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance.”

30. In section 33, for the words “public performance” there shall be substituted the words “performance to which section 37 of the Children and Young Persons Act 1963 applies and”.

31. In section 36(1), for the words “an entertainment or performance” there shall be substituted the words “a performance”.

32. In section 38(3), for the words “The said provisions” there shall be substituted the words “The provisions of this Part of this Act relating to employment”.

33. After subsection (5) of section 87 there shall be inserted the following subsection:—

“(6) In this section ‘school’, in relation to England and Wales, includes a remand home designated as a classifying centre under section 11 of the Children and Young Persons Act 1963.”

34. In paragraph 13 of Schedule 2 for the words from “powers, protection and privileges” to the end of the paragraph there shall be substituted the words “powers, protection and privileges—

(i) in the United Kingdom or the Isle of Man, of a constable;

(ii) in Jersey, of a member of the police;

(iii) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.”

*The Education Act 1944*

35.—(1) After subsection (4) of section 40 there shall be inserted the following subsection:—

“(4A) Without prejudice to the institution of proceedings for an offence under section 37 of this Act or the exercise of the power conferred on a court by subsection (3A) of this section, where the parent of a child has failed to comply with the requirements of a school attendance order served on him the

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local education authority who served the order may bring the child before a juvenile court and the juvenile court, unless it appears to it that the child is receiving efficient full-time education suitable to his age, ability and aptitude otherwise than at school, may make any order which it has power to make under section 62 of the Children and Young Persons Act 1933 in the case of persons who are brought before it under that section; and if it does not make such an order it may direct that the school attendance order shall cease to be in force."

(2) In subsection (5) of that section, after the words "subsection (4)" there shall be inserted the words "or subsection (4A)".

36. After section 40 there shall be inserted the following section:—

"School attendance of vagrant children.

40A.—(1) Without prejudice to the institution of proceedings for an offence under section 10 of the Children and Young Persons Act 1933 (vagrants preventing children from receiving education), where it appears to a local education authority that a child of compulsory school age who is for the time being in their area is a child whom a person habitually wandering from place to place takes with him, the authority may bring the child before a juvenile court, and the court, unless it appears to it that he is receiving efficient full-time education suitable to his age, ability and aptitude, may make any order which it has power to make under section 62 of the said Act of 1933 in the case of persons who are brought before it under that section.

(2) For the purposes of the Children and Young Persons Acts 1933 to 1963, any child who is about to be brought or is brought before a juvenile court by virtue of this section shall be deemed to be a child about to be brought or, as the case may be, brought before such a court under the said section 62, and any order made by a juvenile court under this section shall be deemed to be an order made under that section."

#### *The Family Allowances Act 1945*

37. In section 11(1), paragraph (b) shall be omitted, and after paragraph (c) there shall be added the following paragraph:—

"(d) during which there is in force a provision of an order made by virtue of section 9 of the Children and Young Persons Act 1963 or an order under section 73(2) of the Children and Young Persons (Scotland) Act 1937 committing the child to custody in any place."

#### *The Children Act 1948*

38. For subsection (8) of section 3 there shall be substituted the following subsection:—

"(8) Any person who—

(a) knowingly assists or induces or persistently attempts to induce a child to whom this subsection applies to run away, or

(b) without lawful authority takes away such a child, or

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- (c) knowingly harbours or conceals such a child who has run away or who has been taken away or prevents him from returning,

shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both.

This subsection applies to any child in the care of a local authority under section 1 of this Act with respect to whom a resolution is in force under section 2 thereof and for whom accommodation (whether in a home or otherwise) is being provided by the local authority in pursuance of Part II of this Act; and references in this subsection to running away or taking away or to returning are references to running away or taking away from, or to returning to, a place where accommodation is or was being so provided."

39. In section 10(1), the words "has not attained the age of sixteen and" shall be omitted.

40.—(1) In subsection (1) of section 38, after the words "the Children Act 1958" there shall be inserted the words "and of Parts I and III of the Children and Young Persons Act 1963".

(2) In subsection (2) of that section, after the words "this Act" there shall be inserted the words "and of section 1 and Part III of the Children and Young Persons Act 1963".

41. In section 39(1), after paragraph (g) there shall be inserted the following:—

"and

- (h) the Children and Young Persons Act 1963, except Part II and section 56."

42. In section 43(1) after the words "the Children and Young Persons Act 1933" there shall be inserted the words "sections 1, 11 and 13 of the Children and Young Persons Act 1963".

43. In section 44(1), after the words "the Children and Young Persons (Scotland) Act 1937" there shall be inserted the words "section 1 of the Children and Young Persons Act 1963".

*The Criminal Justice Act 1948*

44. In section 75, for the words "young person", in each place where they occur, there shall be substituted the words "a person under the age of eighteen who has attained the age of fourteen", and after the words "sections 62 to 66" there shall be inserted the words "or subsection (8) of section 84".

*The Criminal Justice (Scotland) Act 1949*

45. In section 72(1), for the words from "or under section 38" to "1956" there shall be substituted the words "or under section 36(4) or section 44(3) of the Education (Scotland) Act 1962".

*The Justices of the Peace Act 1949*

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46. In section 14(1), for the words from “paragraph 1” to “1933” there shall be substituted the words “section 15 of this Act”.

*The Criminal Justice Administration Act 1956*

47. In section 18(4), after the words “appeals from a juvenile court” there shall be inserted the words “and to cases of persons committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959”.

*The Mental Health Act 1959*

48. In section 72(6)(a) after the words “said Act of 1933” there shall be added the words “or section 23 (5) of the Children and Young Persons Act 1963”.

49. In section 75(2), for the words from “including an order” to “1933” there shall be substituted the words “including detention in pursuance of a provision made by virtue of section 9 of the Children and Young Persons Act 1963”.

*The Criminal Justice Act 1961*

50.—(1) In subsection (1) of section 29, after the words “or remand home” there shall be inserted the words “special reception centre or other place of safety”.

(2) In subsection (2) of that section, after the words “taken back to the prison or other institution” there shall be added the words “or place”.

(3) At the end of the section there shall be added the following subsection:—

“(3) In this section ‘special reception centre’ has the same meaning as in the Children and Young Persons Act 1933 and ‘place of safety’ has—

- (a) in relation to England and Wales, the same meaning as in that Act; and
- (b) in relation to Scotland, the same meaning as in the Children and Young Persons (Scotland) Act 1937; and
- (c) in relation to Northern Ireland, the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950.”

*The Criminal Justice Administration Act 1962*

51. In section 4(7), after the words “appeal from a juvenile court” there shall be inserted the words “or the case of a person committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959”.



## Section 64.

## SCHEDULE 4

## TRANSITIONAL PROVISIONS

1. Nothing in this Act shall affect the operation of section 64 of the principal Act in relation to an application made thereunder before the repeal of that section.

2. Section 20 of this Act shall not apply in relation to the case of any person committed to quarter sessions before the coming into operation of that section.

3. Any licence under section 22 of the principal Act or under section 32 of the principal Scottish Act shall be treated as a licence under section 37 of this Act.

4. The power to revoke or vary a licence under section 24 of the principal Act granted before the coming into operation of section 41(1) of this Act shall be exercisable by the local education authority in whose area the place where the person to whom the licence relates is to be trained in accordance with the licence is situated, or if more than one such place is specified in the licence, the local education authority for the area where the place first so specified is situated.

5. On the coming into operation of section 8 of this Act so much of any approved school order as specifies any school shall cease to have effect.

6.—(1) An approved school order made before the day on which section 9 of this Act comes into operation shall, if not then in effect, take effect on that day.

(2) If on that day the person to whom the order relates has not been sent to an approved school and the authority or person responsible for conveying him to his school is not named in or endorsed on the order, a juvenile court acting for the place where he is shall on the application of any person specify that authority or person and shall cause the approved school order to be delivered to the authority or person so specified.

7. Where an application under section 68(3) of the principal Act has not been determined on the coming into operation of section 8 of this Act, the applicant may make an application under subsection (3) of the said section 8 at any time not later than thirty days after the coming into operation of that section.

8. Any order under section 69(2) of the principal Act which is in force on the coming into operation of section 9 of this Act shall for the purposes of that section be treated as a provision made in pursuance of subsection (1) thereof.

9. A juvenile court panel formed for any two or more petty sessions areas before the coming into operation of Part I of Schedule 2 to this Act by an order under paragraph 1(3) of Schedule 2 to the principal Act shall be deemed to be a combined juvenile court panel formed under Part I of Schedule 2 to this Act and the order forming the panel may be revoked or varied by an order under that Part.

## SCHEDULE 5

## ENACTMENTS REPEALED

Section 64.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	<p>In section 1, in subsection (1), the words "or in default of payment of such a fine", in both places where they occur.</p> <p>In section 3, in subsection (1), the words "or in default of payment of such a fine".</p> <p>In section 4, in subsection (1), the words "or in default of payment of such a fine".</p> <p>In section 14, subsection (3).</p> <p>Section 22.</p> <p>In section 24, subsections (3) and (5).</p> <p>In section 25, in subsection (1), the words "he has attained the age of fourteen years and".</p> <p>In section 26, in subsection (1), the words "or in default of payment of such a fine".</p> <p>In section 29, subsections (1) and (2).</p> <p>In section 35, in subsection (2), the words "and, in proper cases, as to available approved schools".</p> <p>In section 39, in subsection (1), the words from "which arise" to "decency or morality".</p> <p>In section 48, in subsection (1), the words "or an application relating to" and the words "or application".</p> <p>In section 53, in subsection (4), the words from "and if he fails" to the end of the subsection.</p> <p>Section 61.</p> <p>In section 63, in subsection (1), the words "or any offence under section 10 of this Act".</p> <p>Section 64.</p> <p>In section 66, in subsection (1), the words "and he is under the age of seventeen years", and subsection (2).</p> <p>In section 67, in subsection (1), the words "child or young" in the second place where they occur; and in subsection (2), the words "child or young".</p> <p>In section 68, subsections (2) and (3).</p>

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Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12— <i>cont.</i>	The Children and Young Persons Act 1933— <i>cont.</i>	<p>Section 69.</p> <p>In section 70, in subsection (3), the words “which is made to take effect immediately” and paragraph (a); and subsections (4) to (6).</p> <p>In section 72, in subsection (1), the words “or makes any endorsement upon”.</p> <p>In section 73, the words “under the foregoing provisions of this Act”.</p> <p>In section 84, in subsection (6), the words “upon the application of any person” and the proviso.</p> <p>In section 87, subsection (5).</p> <p>In section 107(1), in the definition of “Approved school order”, the words “child or young”, and the definition of “In need of care and protection”.</p> <p>Schedule 2.</p> <p>In Schedule 4, paragraph 10.</p>
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	<p>Section 32.</p> <p>In section 34, subsections (3) and (5).</p> <p>In section 37, paragraph (g).</p> <p>In section 38, subsections (1), (2) and (7).</p> <p>In section 46, in subsection (1), the words from “which arise” to “decency or morality”.</p>
1 & 2 Geo. 6. c. 40.	The Children and Young Persons Act 1938.	<p>Section 1.</p> <p>In section 2, the proviso.</p> <p>Section 4.</p> <p>In section 5, the words “or is beyond the control of his parent or guardian”.</p> <p>In section 6, in subsection (2), the words “or section 69”.</p> <p>Section 7.</p> <p>In the Schedule, the amendment of section 64 of the principal Act; and in the words inserted into section 84 of the principal Act, the words “upon the application of any person” and the proviso.</p>
7 & 8 Geo. 6. c. 31.	The Education Act 1944	<p>Schedule 8 so far as it amends sections 22 and 61 of the principal Act.</p>
8 & 9 Geo. 6. c. 41.	The Family Allowances Act 1945.	<p>In section 11(1), paragraph (b).</p> <p>In section 26, in subsection (3), the word “69” and the word “73” in the second place where it occurs.</p>

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Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 43.	The Children Act 1948	In section 10(1), the words "has not attained the age of sixteen and".
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 19(1), the words "not less than ten but". In section 48(2), the words "of not less than ten but". Section 74. In Schedule 9, the entry relating to section 4 of the Children and Young Persons Act 1938.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In section 11, subsections (5) to (8). In section 15, in subsection (5), the words from "and the reference" to the end of the subsection.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 50.	The Children and Young Persons (Amendment) Act 1952.	Section 1. In section 3, subsections (2) and (3). In section 5, subsections (1) and (2). Section 6. Section 7. In the Schedule, paragraphs 4, 6, 7 and 10.
4 & 5 Eliz. 2 c. 24.	The Children and Young Persons Act 1956.	In section 2(2) the words from "and the said powers" to the end of the subsection. In the Schedule, paragraphs 7(b) and 14(b).
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 3, the amendment of section 61(1) of the principal Act.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 61, in subsection (1), the words "or section 64" and in paragraph (a) the words from "or that his parent" to "as the case may be"; subsection (2); and in subsection (3), the words "or 64". In section 62, in subsection (4), the words "or section 64" and the words from "and in the case" to the end of the subsection. In section 70, in subsection (2), the words from "or that" to "control him".
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	In section 10, subsection (1). In Schedule 4, in the entry relating to section 53 of the principal Act, the words from "and for the words" to the end of the entry; in the entry relating to Schedule 4 to the principal Act, the words

## SCH. 5

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 39— <i>cont.</i>	The Criminal Justice Act 1961— <i>cont.</i>	from “ and in paragraph 12 ” to the end of the entry; in the entry relating to section 19 of the Criminal Justice Act 1948 the words from “ and for ” to the end of the entry; and the entry relating to section 48 of the Criminal Justice Act 1948.

*Table of Statutes referred to in this Act*

Short Title	Session and Chapter
Criminal Evidence Act 1898 ... ..	61 & 62 Vict. c. 36.
Oaths Act 1909 ... ..	9 Edw. 7. c. 39.
Guardianship of Infants Act 1925 ... ..	15 & 16 Geo. 5. c. 45.
Children and Young Persons Act 1933 ... ..	23 & 24 Geo. 5. c. 12.
Summary Jurisdiction (Appeals) Act 1933 ... ..	23 & 24 Geo. 5. c. 38.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
Children and Young Persons (Scotland) Act 1937 ... ..	1 Edw. 8 & 1 Geo. 6. c. 37.
Children and Young Persons Act 1938 ... ..	1 & 2 Geo. 6. c. 40.
Education Act 1944 ... ..	7 & 8 Geo. 6. c. 31.
Family Allowances Act 1945 ... ..	8 & 9 Geo. 6. c. 41.
Children Act 1948 ... ..	11 & 12 Geo. 6. c. 43.
Criminal Justice Act 1948 ... ..	11 & 12 Geo. 6. c. 58.
Criminal Justice (Scotland) Act 1949 ... ..	12, 13 & 14 Geo. 6. c. 94.
Justices of the Peace Act 1949 ... ..	12, 13 & 14 Geo. 6. c. 101.
Shops Act 1950 ... ..	14 Geo. 6. c. 28.
Maintenance Orders Act 1950 ... ..	14 Geo. 6. c. 37.
Magistrates' Courts Act 1952 ... ..	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Licensing Act 1953 ... ..	1 & 2 Eliz. 2. c. 46.
Criminal Justice Administration Act 1956 ... ..	4 & 5 Eliz. 2. c. 34.
Sexual Offences Act 1956 ... ..	4 & 5 Eliz. 2. c. 69.
Maintenance Orders Act 1958 ... ..	6 & 7 Eliz. 2. c. 39.
Matrimonial Proceedings (Children) Act 1958... ..	6 & 7 Eliz. 2. c. 40.
Local Government Act 1958 ... ..	6 & 7 Eliz. 2. c. 55.
Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 ... ..	6 & 7 Eliz. 2. c. 64.
Children Act 1958 ... ..	6 & 7 Eliz. 2. c. 65.
Adoption Act 1958 ... ..	7 & 8 Eliz. 2. c. 5.
Licensing (Scotland) Act 1959 ... ..	7 & 8 Eliz. 2. c. 51.
Mental Health Act 1959 ... ..	7 & 8 Eliz. 2. c. 72.
Indecency with Children Act 1960 ... ..	8 & 9 Eliz. 2. c. 33.
Matrimonial Proceedings (Magistrates' Courts) Act 1960 ... ..	8 & 9 Eliz. 2. c. 48.
Mental Health (Scotland) Act 1960 ... ..	8 & 9 Eliz. 2. c. 61.
Criminal Justice Act 1961 ... ..	9 & 10 Eliz. 2. c. 39.
Licensing Act 1961 ... ..	9 & 10 Eliz. 2. c. 61.
Criminal Justice Administration Act 1962 ... ..	10 & 11 Eliz. 2. c. 15.
Education (Scotland) Act 1962 ... ..	10 & 11 Eliz. 2. c. 47.

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